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OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

September 13, 2002 Volume 26, Issue 37

PROPOSED RULES

NATURAL RESOURCES, DEPARTMENT OF

The Taking of Wild Turkeys - Spring Season

17 Ill. Adm. Code 71013435

PUBLIC AID, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 14013450

ADOPTED RULES

BANKS AND REAL ESTATE, OFFICE OF

Illinois Savings and Loan Act of 1985

38 Ill. Adm. Code 100013471

Savings Bank Act

38 Ill. Adm. Code 107513483

HUMAN SERVICES, DEPARTMENT OF

Aid to the Aged, Blind or Disabled

89 Ill. Adm. Code 11313521

Food Stamps

89 Ill. Adm. Code 12113530

NATURAL RESOURCES, DEPARTMENT OF

Dove Hunting

17 Ill. Adm. Code 73013590

Crow, Woodcock, Snipe, Rail, and Teal Hunting

17 Ill. Adm. Code 74013605

PROFESSIONAL REGULATION, DEPARTMENT OF

Detection of Deception Examiners Act

68 Ill. Adm. Code 123013618

Professional Boxing Act

68 Ill. Adm. Code 137013641

PUBLIC AID, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 14013641

Hospital Services

89 Ill. Adm. Code 14813661

Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

89 Ill. Adm. Code 14913676

SECRETARY OF STATE, OFFICE OF THE

Cancellation, Revocation or Suspension of Licenses or Permits

92 Ill. Adm. Code 104013684

EMERGENCY RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Licensing Standards for Day Care Homes

89 Ill. Adm. Code 40613694

NATURAL RESOURCES, DEPARTMENT OF	
Public Museum Grants Program	
23 Ill. Adm. Code 3200	13706
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
SECOND NOTICES RECEIVED	
Definitions	
8 Ill. Adm. Code 20	13726
Livestock Auction Markets	
8 Ill. Adm. Code 40	13726
Diseased Animals	
8 Ill. Adm. Code 85	13726
Swine Disease Control and Eradication Act	
8 Ill. Adm. Code 105	13726
Illinois Pseudorabies Control Act	
8 Ill. Adm. Code 115	13726
Food Stamps	
8 Ill. Adm. Code 121	13726
Illinois Noxious Weed Law	
8 Ill. Adm. Code 220	13726
Insect Pest and Plant Disease Act	
8 Ill. Adm. Code 240	13726
Payment of Annual Compliance Fees for Pension Funds	
50 Ill. Adm. Code 4415	13726
Merit and Fitness	
80 Ill. Adm. Code 302	13726
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
September 3-7, 2002, as Payroll Week	
02 - 450.....	13728
September 6, 2002, as Robert J. Howlett Day	
02 - 451.....	13728
September 2002 as Prostate Cancer Awareness Month	
02 - 452.....	13729
September 2002 as Gynecologic Cancer Awareness Month	
02 - 453.....	13729
September 11, 2002, as Flight across America Day	
02 - 454.....	13730
Friday, September 6, 2002, as Matthew E. Powers Day	
02 - 455.....	13730

ISSUES INDEX I – 1

Editor's Notes: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 41 - October 11, 2002: Data through September 30, 2002 (3rd Quarter)
Issue 3 - January 10, 2003: Data through December 31, 2002 (Annual)
Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

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

The Register is a weekly update 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'

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2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
Issue 4	January 14, 2002	January 25, 2002	Issue 41	September 30, 2002	October 11, 2002
Issue 5	January 22, 2002	February 01, 2002	Issue 42	October 07, 2002	October 18, 2002
Issue 6	January 28, 2002	February 08, 2002	Issue 43	October 14, 2002	October 25, 2002
Issue 7	February 04, 2002	February 15, 2002	Issue 44	October 21, 2002	November 01, 2002
Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25, 2002
Issue 11	March 04, 2002	March 15, 2002	Issue 48	November 18, 2002	November 29, 2002
Issue 12	March 11, 2002	March 22, 2002	Issue 49	November 25, 2002	December 06, 2002
Issue 13	March 18, 2002	March 29, 2002	Issue 50	December 02, 2002	December 13, 2002
Issue 14	March 25, 2002	April 05, 2002	Issue 51	December 09, 2002	December 20, 2002
Issue 15	April 01, 2002	April 12, 2002	Issue 52	December 16, 2002	December 27, 2002
Issue 16	April 08, 2002	April 19, 2002			
Issue 17	April 15, 2002	April 26, 2002			
Issue 18	April 22, 2002	May 03, 2002			
Issue 19	April 29, 2002	May 10, 2002			
Issue 20	May 06, 2002	May 17, 2002			
Issue 21	May 13, 2002	May 24, 2002			
Issue 22	May 20, 2002	May 31, 2002			
Issue 23	May 27, 2002	June 07, 2002			
Issue 24	June 03, 2002	June 14, 2002			
Issue 25	June 10, 2002	June 21, 2002			
Issue 26	June 17, 2002	June 28, 2002			
Issue 27	June 24, 2002	July 05, 2002			
Issue 28	July 01, 2002	July 12, 2002			
Issue 29	July 08, 2002	July 19, 2002			
Issue 30	July 15, 2002	July 26, 2002			
Issue 31	July 22, 2002	August 02, 2002			
Issue 32	July 29, 2002	August 09, 2002			
Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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July 2001 - 675 - GA - 82

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.20	Amendment
710.25	Amendment
710.50	Amendment
710.55	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add the season dates for the 2003 season and to update the list of sites open for hunting.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 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

13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF NATURAL RESOURCES

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

Section

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

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

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

- | | |
|-------------|---|
| 1st Season: | <u>Monday, April 14-Friday, April 18, 2003</u> Monday, April 15-Friday, April 19, 2002 |
| 2nd Season: | <u>Saturday, April 19-Thursday, April 24, 2003</u> Saturday, April 20-Thursday, April 25, 2002 |
| 3rd Season: | <u>Friday, April 25-Wednesday, April 30, 2003</u> Friday, April 26-Wednesday, May 1, 2002 |
| 4th Season: | <u>Thursday, May 1-Wednesday, May 7, 2003</u> Thursday, May 2-Wednesday, May 8, 2002 |
| 5th Season: | <u>Thursday, May 8-Thursday, May 15, 2003</u> Thursday, May 9-Thursday, May 16, 2002 |

b) Southern Zone Season Dates:

- | | |
|-------------|---|
| 1st Season: | <u>Monday, April 7-Friday, April 11, 2003</u> Monday, April 8-Friday, April 12, 2002 |
| 2nd Season: | <u>Saturday, April 12-Thursday, April 17, 2003</u> Saturday, April 13-Thursday, April 18, 2002 |
| 3rd Season: | <u>Friday, April 18-Wednesday, April 23, 2003</u> Friday, April 19-Wednesday, April 24, 2002 |
| 4th Season: | <u>Thursday, April 24-Wednesday, April 30, 2003</u> Thursday, April 25-Wednesday, May 1, 2002 |
| 5th Season: | <u>Thursday, May 1-Thursday, May 8, 2003</u> Thursday, May 2-Thursday, May 9, 2002 |

c) Open Counties:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Coles
Cumberland
DeKalb
DeWitt
Edgar
Fulton
Green
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kankakee
Kendall
Knox
LaSalle
Lee
Livingston
Logan
Macon
Macoupin
Marshall-Putnum
Mason
McDonough
McHenry
McLean
Menard
Mercer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stevenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Non-resident turkey hunters shall be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources – Turkey
One Natural Resources Way
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62702-1271~~62794-9446~~

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).
- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. All resident permit applications will receive preference over non-resident applications.
- e) Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.
- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.
- g) The following criteria must be met to obtain preference in the first computerized drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- j) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person, and thereafter, submittal of applications

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

for receiving more than three permits for the same person.

- 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
- 3) Apply for or receive more than three permits for the spring turkey season.
- 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 710.25 Turkey Permit Requirements – Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for turkey hunting, which issue turkey hunting permits through the statewide lottery process. The Permit Office issues turkey hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 710.50(c).

Crab Orchard National Wildlife Refuge (check-in and check-out required at Visitor Information Center, windshield card required, area closed ½ hour after sunset to 1½ hours before sunrise, scouting allowed after noon including the afternoon of the day prior to the permitted hunting season)

Joliet Army Training Area (Will County) (check-in and check-out required at central check station; an additional turkey permit must be purchased from the Joliet Army Training Area)

Midwin National Tallgrass Prairie (an additional site access fee must be purchased from the USDA Forest Service)

Savanna Army Depot (Jo Daviess County)

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent though the mail.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only)
(1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

I-24 Wildlife Management Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road; a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area. The hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

~~Midewin National Tallgrass Prairie (an additional \$15 site hunting fee must be purchased from the U.S. Forest Service prior to hunting) (1)~~

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

~~Siloam Springs State Park – Scripps Unit (bow only) (residents only) (1)~~

Sielbeck Forest State Natural Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park - Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

~~East Conant~~

Falling Down Prairie (1)

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

Green River State Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein,
Chouteau Island Units

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit) (1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area West Open Unit

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Lake Shelbyville – Corps of Engineers Managed Lands (Shelby County)

Lake Shelbyville – Corps of Engineers Managed Lands (Moultrie County) and Kaskaskia and Okaw Wildlife Management Areas

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Marshall Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit. These hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20, except as noted. Permits are only valid for the specific site and season indicated on the permit. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing.

Mermet Lake State Fish and Wildlife Area

Mississippi Palisades State Park (portion of site quota designated for disabled hunters; closed during the 5th season) (~~permits allocated through site office; closes after second Sunday of the 4th season~~)

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part : Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.13	Amendment
140.24	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being proposed concerning two Sections of the Department's administrative rules t 89 Ill. Adm. Code 140. The changes are being made to increase the accountability of vendors in the medical assistance program and thereby enhance the Department's ability to control fraud.

The amendments to Section 140.13 expand upon the definition of management responsibility to include, as persons with management responsibility, the dispatcher for a transportation services provider and the person or persons responsible for preparation and submittal of billings to the Department.

The changes to Section 140.24 identify additional entities that can be alternate payees for providers enrolled in the Medical Assistance Program. Currently, this Section restricts alternate payees to hospitals, medical schools, group medical practices and an employee of a sole practitioner. The Department has reviewed existing alternate payee agreements, and found that numerous other types of entities function as alternate payees, including local health departments, community mental health organizations certified by the Department of Human Services (DHS), and non-certified community mental health organizations. However, some of these entities, which are not enrolled in the medical assistance program, were found to have engaged in fraudulent contact. Therefore, under these proposed amendments, governmental organizations and DPH certified community mental health organizations that enroll as Medicaid providers may be alternate payees.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.20	Amendment	March 15, 2002 (26 Ill. Reg. 3852)
140.21	Amendment	August 9, 2002 (26 Ill. Reg.)
140.71	Amendment	August 9, 2002 (26 Ill. Reg.)
140.402	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.405	New Section	May 24, 2002 (26 Ill. Reg. 7647)
140.442	Amendment	April 26, 2002 (26 Ill. Reg. 5872)
140.445	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.450	Amendment	June 7, 2002 (26 Ill. Reg. 8243)
140.481	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.492	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.493	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.523	Amendment	July 19, 2002 (26 Ill. Reg. 10243)

- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grande Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Medical practitioners in the Department's medical assistance program will be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher
Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.402 Copayments for Noninstitutional Medical Services
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Imaging Centers
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Clinic Services
- 140.453 Definitions
- 140.454 Types of Mental Health Clinic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.455 Payment for Mental Health Clinic Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Limitations on Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- 140.492 Payment for Medical Transportation
- 140.493 Payment for Helicopter Transportation
- 140.494 Record Requirements for Medical Transportation Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section

- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement
- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered by Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care
- 140.515 Management of Recipient Funds--Personal Allowance Funds
- 140.516 Recipient Management of Funds
- 140.517 Correspondent Management of Funds
- 140.518 Facility Management of Funds
- 140.519 Use or Accumulation of Funds
- 140.520 Management of Recipient Funds--Local Office Responsibility
- 140.521 Room and Board Accounts
- 140.522 Reconciliation of Recipient Funds
- 140.523 Bed Reserves
- 140.524 Cessation of Payment Due to Loss of License
- 140.525 Quality Incentive Program (QUIP) Payment Levels
- 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
(Repealed)
- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
- 140.532 Health Care Costs
- 140.533 General Administration Costs
- 140.534 Ownership Costs

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
- 140.538 Special Costs
- 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports-Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports
- 140.550 Update of Operating Costs
- 140.551 General Service Costs
- 140.552 Nursing and Program Costs
- 140.553 General Administrative Costs
- 140.554 Component Inflation Index
- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
- 140.561 Support Costs Components
- 140.562 Nursing Costs
- 140.563 Capital Costs
- 140.565 Kosher Kitchen Reimbursement
- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
- 140.579 Specialized Living Centers
- 140.580 Mandated Capital Improvements (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts
- 140.680 Effective Date Of Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

- Section
- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 140.860 Covered Services (Repealed)
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)
- 140.875 Department Responsibilities (Repealed)
- 140.880 Provider Qualifications (Repealed)
- 140.885 Provider Responsibilities (Repealed)
- 140.890 Payment Methodology (Repealed)
- 140.895 Contract Monitoring (Repealed)
- 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

	Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

- TABLE A Medichex Recommended Screening Procedures (Repealed)
TABLE B Geographic Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Areas of Major Life Activity
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping (Repealed)
TABLE K Services Qualifying for 10% Add-On (Repealed)
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 26, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2000, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective September 3, 2002; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.13 Definitions

"Department Policy". For purposes of this Part, these Rules "~~Department policy~~" shall mean the written requirements of the Department set forth in the Medical Assistance Program Handbooks, and the Department's written manuals, bulletins and releases. It shall also include any additional policy statements transmitted in writing to a vendor.

"Entity". For purposes of this Part, these Rules "entity" means any person, firm, corporation, partnership, association, agency, institution, or other legal organization.

"Investor". For purposes of this Part, these Rules "investor" shall mean any entity that owns (directly or indirectly) five percent 5% or more of the shares of stock or other evidences of ownership of a vendor, or holds (directly or indirectly) five percent 5% or more of the debt of a vendor, or owns and holds (directly or indirectly) three percent 3% or more of the combined debt and equity of a vendor.

"Management Responsibility". For purposes of this Part, these Rules a person with management responsibility includes a person vested with discretion or judgment who either alone or in conjunction with others, conducts, administers or oversees either the general concerns of the vendor or ~~a that~~ portion of the vendor's concerns ~~that were the subject of the Department's action against the vendor~~. A person with management responsibility shall specifically include the pharmacist in a pharmacy, the medical director of a laboratory, the administrator of a hospital or nursing home, the dispatcher in a transportation vendor, the person or persons responsible for preparation and submittal of billings for services to the Department, and the manager of a group practice, clinic or shared health facility.

"Technical or Other Advisor". For purposes of this Part, these Rules "technical or other advisor" shall mean any entity that provides any form of advice to a vendor regarding the vendor's business or participation in the Medical Assistance Program in return for compensation, directly or indirectly, in any form.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

"Vendor". For purposes of ~~this Part, these Rules~~ "vendor" shall mean a person, firm, corporation, association, agency, institution, or other legal entity receiving payment or applying for authorization to receive payment for goods or services to a recipient or recipients.

(Source: Amended at 26 Ill. Re g. _____, effective _____)

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller.
- b) All providers of medical services must designate a payee when enrolling in the Illinois Medical Assistance Program.
 - 1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address or the designated address of the corporate or partnership office.
 - 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized state agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following:
 - A) The provider's service address; or
 - B) The provider's residence; or
 - C) The provider's designated address; or
 - D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section; or
 - E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- c) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- d) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:
 - 1) The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.
- 3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.
- 4) The medical practitioner has a contractual/salary arrangement or is employed by a governmental entity that requires, as a condition of employment, that the fees be turned over to the governmental entity.
- 5) The medical practitioner has a contractual/salary arrangement or is employed by a community mental health agency that is certified by the Department of Human Services under 59 Ill. Adm. Code 132 and is enrolled as a provider in the Illinois Medical Assistance Program.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1000.160	New
1000.1110	Amended
1000.2700	Repealed
1000.2710	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 7-3 (b) (2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3 (b) (2)]
- 5) Effective Date of Amendments: September 13, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) A copy of these adopted amendments is on file in the Office of Banks and Real Estate's (OBRE's) principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
26 Ill. Reg. 5219 on April 12, 2002
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: OBRE has added a date certain to Section 1000.160 (b) & (c) as recommended by the Joint Committee on Administrative Rules (JCAR). OBRE has also made other technical changes 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? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This new Section 1000.160 permits the Commissioner of the Office of Banks and Real Estate to terminate applications or other filings if the person making the filing fails to respond to the Commissioner's request for additional documents or information within 120 days. Termination of inactive applications is essential to efficient application processing. Subpart J of the Savings and Loan Rules governs the establishment of branches of both domestic association and "foreign associations". Under the Savings and Loan Act, the definition of foreign associations includes both associations and savings banks chartered by states other than Illinois [205 ILCS 105/1-10.31]. The amendment to Section 1000.1110 makes this section consistent with this definition and provides consistent treatment of savings banks chartered by Illinois and those chartered by other states. Sections 1000.2700 and 1000.2710 are repealed. These sections were adopted in 1989 and provide for the establishment of the Savings and Loan Advisory Board by the Commissioner. While section 7-3(b)(3) of the Savings and Loan Act permits the Commissioner to establish the Board, the Board does not appear to have been in fact established and OBRE foresees no need for such Board.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Alan Anderson
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield, IL 62701
217/782-3000

The full text of the adopted amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1000
ILLINOIS SAVINGS AND LOAN ACT OF 1985

SUBPART A: FEES

Section

1000.110	Filings
1000.120	Conditions
1000.130	Examination Fees
1000.140	Annual Supervisory Fees (Repealed)
1000.141	Supervisory Fees
1000.142	Adjusted Supervisory Fees
1000.143	Special Assessment (Emergency Expired)
1000.150	Manner of Payment
1000.151	Special Credit (Repealed)
1000.160	<u>Withdrawal of Applications or Other Filings</u>

SUBPART B: DEFINITIONS

Section

1000.205	Introduction
1000.210	Association
1000.220	Commissioner
1000.230	Single Family Dwelling
1000.240	Unsafe
1000.250	Mobile Home
1000.260	Mobile Home Chattel Paper
1000.270	Person
1000.280	Proposed Borrower
1000.290	Redlining

SUBPART C: REPORTS

Section

1000.310	Contracts (Repealed)
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SUBPART D: OPERATIONS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section

- 1000.410 Permanent Reserve Shares
- 1000.420 Dividend Advertising
- 1000.430 Maintenance of Records
- 1000.440 Business Plan

SUBPART E: APPRAISALS

Section

- 1000.510 Appraisals

SUBPART F: INVESTMENTS

Section

- 1000.610 Prudent Person Rule
- 1000.615 Investment Underwriting Practices
- 1000.620 Discrimination and Redlining Prohibited
- 1000.630 Loans Secured by Real Estate
- 1000.640 Construction Loans
- 1000.650 College Loans (Repealed)
- 1000.660 Mobile Home Financing
- 1000.665 Other Loans
- 1000.670 Collateral Loans (Repealed)
- 1000.675 Investment Parity (Repealed)
- 1000.680 Unsecured Loans (Repealed)
- 1000.690 Sale of Loans and Participations (Repealed)
- 1000.700 Insider Loan Rates (Repealed)
- 1000.710 Reverse Mortgage Loans
- 1000.720 Repurchase Agreements

SUBPART G: BONUS PLANS

Section

- 1000.810 Bonus Plans

SUBPART H: NOTICE TO COMMISSIONER

Section

- 1000.910 Corrective Action

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: SERVICE CORPORATIONS

Section

- 1000.1010 Requirements
- 1000.1020 Approval by the Commissioner
- 1000.1030 Lending Limitations
- 1000.1040 Investments by Service Corporations
- 1000.1050 Ownership of Capital Stock of Service Corporation
- 1000.1060 Prohibited Transactions
- 1000.1070 Disclosure to Service Corporation
- 1000.1080 Reporting Requirements
- 1000.1090 Audit Requirements

SUBPART J: RELOCATIONS AND BRANCHING

Section

- 1000.1110 General
- 1000.1120 Application
- 1000.1130 Request for Preliminary Determination
- 1000.1140 Amendment of Application (Repealed)
- 1000.1150 Public Notice and Inspection
- 1000.1160 Protest
- 1000.1170 Oral Argument
- 1000.1180 Application for and Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
- 1000.1190 Redesignation of Offices
- 1000.1200 Termination of Operation and/or Closing of a Branch Office
- 1000.1210 Agency Offices
- 1000.1220 Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART K: CAPITAL NOTES AND DEBENTURES

Section

- 1000.1310 Approval
- 1000.1320 Conversion to Stock
- 1000.1330 Priority of Claim
- 1000.1340 Effect on Reserve Requirements

SUBPART L: THIRD-PARTY PAYMENT ACCOUNTS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section

- 1000.1410 General
- 1000.1420 Depositors
- 1000.1430 Rate of Interest
- 1000.1440 Overdraft Privilege
- 1000.1450 Charges and Fees
- 1000.1460 Disclosure
- 1000.1470 Membership
- 1000.1480 Approval and Authorization

SUBPART M: ADMINISTRATIVE HEARING PROCEDURES

Section

- 1000.1510 Applicability
- 1000.1520 Definitions
- 1000.1530 Filing
- 1000.1540 Form of Documents
- 1000.1550 Computation of Time
- 1000.1560 Appearances
- 1000.1570 Notice of Hearing
- 1000.1580 Service of the Notice of Hearing
- 1000.1590 Motion and Answer
- 1000.1600 Consolidation and Severance of Matters - Additional Parties
- 1000.1610 Intervention
- 1000.1620 Postponement or Continuance of Hearing
- 1000.1630 Authority of Hearing Officer
- 1000.1640 Bias or Disqualification of Hearing Officer
- 1000.1650 Prehearing Conferences
- 1000.1660 Discovery
- 1000.1670 Subpoenas
- 1000.1680 Conduct of the Hearing
- 1000.1690 Default
- 1000.1700 Evidence
- 1000.1710 Official Notice
- 1000.1720 Hostile Witnesses
- 1000.1730 Transcription of Proceedings
- 1000.1740 Briefs
- 1000.1750 Hearing Officer's Findings, Opinions and Recommendations
- 1000.1760 Order of the Commissioner

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1000.1770 Rehearings
- 1000.1780 Existing Statutory or Agency Procedures and Practices
- 1000.1790 Costs of Hearing

SUBPART N: SAVINGS AND LOAN HOLDING COMPANIES

Section

- 1000.1800 Applicability
- 1000.1810 Plain Meaning/Strict Interpretation
- 1000.1905 Affiliate
- 1000.1910 Assets
- 1000.1915 Books of Record
- 1000.1920 Capital Stock
- 1000.1925 Charter
- 1000.1930 Control
- 1000.1935 Eligible Account Holder
- 1000.1940 Eligibility Record Date
- 1000.1945 Employee
- 1000.1950 Equity Security
- 1000.1955 Insured Institution
- 1000.1970 Member
- 1000.1972 Net Worth
- 1000.1975 Officer
- 1000.1980 Person
- 1000.1982 Qualifying Deposit
- 1000.1985 Sale
- 1000.1990 Security
- 1000.1993 Source Documents
- 1000.1997 Subsidiary
- 1000.2005 Liquidation Account and Proxies
- 1000.2010 Mutual Holding Company Ceasing to be a Depository Institution
- 1000.2020 Directors of a Mutual Holding Company
- 1000.2030 Stock Sales
- 1000.2040 Stock of a Subsidiary of a Mutual Holding Company
- 1000.2050 Stock Subsidiary Formation
- 1000.2055 Net Worth Maintenance Agreement
- 1000.2060 Members' Rights
- 1000.2070 Investment
- 1000.2105 Notice Requirement/Corrective Action
- 1000.2110 Insider Abuses

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1000.2120 Penalty (Emergency Expired)
- 1000.2200 Determination of the Qualification and Condition of an Out-of-State Acquisition
- 1000.2300 Disposal of a Subsidiary
- 1000.2310 Dividends
- 1000.2320 Officers and Directors List
- 1000.2330 Access to Books and Records
- 1000.2340 Reports (Emergency Expired)
- 1000.2400 Annual Audit Requirements
- 1000.2410 Maintenance of Records
- 1000.2420 Notice of Appointment of CPA
- 1000.2500 Savings and Loan Holding Company Filing Fees
- 1000.2510 Savings and Loan Holding Company Supervisory Fees
- 1000.2520 Examination Fees
- 1000.2530 Conditions
- 1000.2540 Manner of Payment
- 1000.2550 Transformation from Deposit to Non-Deposit (Emergency Expired)

SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section

- 1000.2700 Purpose (Repealed)
- 1000.2710 Composition, Appointment (Repealed)

SUBPART P: HIGH RISK HOME LOANS

Section

- 1000.3000 Definitions
- 1000.3100 Ability to Repay
- 1000.3150 Verification of Ability to Pay Loan
- 1000.3200 Fraudulent or Deceptive Practices
- 1000.3225 Prepayment Penalty
- 1000.3250 Pre-paid Insurance Products and Warranties
- 1000.3300 Refinancing Prohibited in Certain Cases
- 1000.3325 Balloon Payments
- 1000.3350 Financing of Certain Points and Fees
- 1000.3400 Payments to Contractors
- 1000.3450 Negative Amortization
- 1000.3500 Negative Equity
- 1000.3550 Counseling Prior to Perfecting Foreclosure Proceedings
- 1000.3600 Mortgage Awareness Program

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1000.3650 Report of Default and Foreclosure Rates on Conventional Loans
1000.3700 Commissioner's Review and Analysis
1000.3750 Third Party Review of High Risk Home Loans

APPENDIX A Estimated Monthly Income and Expenses Worksheet
APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amended at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1998;

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

amended at 24 Ill. Reg. 53, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19312, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3694, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1856; amended at 25 Ill. Reg. 6152, effective May 17, 2001; amended at 26 Ill. Reg. 13471, effective Sep 13, 2002.

SUBPART A: FEES

Section 1000.160 Withdrawal of Applications or Other Filings

- a) Unless otherwise specified in the Savings and Loan Act [205 ILCS 105] or this Part, an application or other filing submitted under the Savings and Loan Act or this Part shall be deemed withdrawn if the person making the filing fails to respond within 120 days after a request by the Commissioner for additional documents or information related to the filing. All withdrawn applications or other filings shall be terminated and shall be ineffective. The Commissioner may agree to extend the time in which the application or other filing shall be deemed withdrawn unless the Savings and Loan Act or this Part requires otherwise.
- b) Notwithstanding subsection (a) of this Section, applications or other filings submitted on or before September 15, 2002 shall not be deemed withdrawn unless the person making the filings fails to respond within 120 days after that date to a request by the Commissioner for additional documents or information related to the filing.
- c) Nothing in this Section requires the Commissioner to reissue requests for additional documents or information made prior to September 15, 2002.

(Source: Added at 26 Ill. Reg. 13471, effective Sep 13, 2002)

SUBPART J: RELOCATIONS AND BRANCHING

Section 1000.1110 General

- a) An association with facility offices existing or approved under previous regulations of the Commissioner and prior to the effective date of this regulation may advertise or refer to such offices as branches without amending its bylaws. A branch office of an association is any office other than its home office, drive-in facility, pedestrian facility, agency office, or a remote service unit.
- b) Any business of an association may be transacted at a branch office. When a branch office provides any product it must have all the resources necessary to support that product offering at the branch location.
- c) An association shall not establish a branch office nor change the location of its home

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

office unless its respective application has been approved by the Commissioner. An application shall be approved only if the Commissioner finds that:

- 1) the office *can be established* at the proposed location *without undue injury to properly conducted existing associations and savings banks chartered under the Illinois Savings Bank Act [205 ILCS 205]*;
 - 2) the policies and financial condition of the applicant are not a basis for supervisory objection; and
 - 3) the proposed office will open within twelve months of approval unless occupancy is delayed by circumstances beyond the control of the applicant and, consequently, additional time is allowed by the Commissioner.
- d) An association proposing a change of location of its home office or branch office may request a waiver of the otherwise applicable requirements of this Subpart. The request will be approved only if:
- 1) the Commissioner is able to make the same findings as those required at subsection (c) of this Section;
 - 2) the applicant demonstrates that the area to be served from the proposed location is essentially the same as that served from the present location;
 - 3) the applicant gives the ~~reasons~~ ~~reason(s)~~ for the change of location; and
 - 4) the applicant submits the appropriate fee required by Section 1000.110(c) of this Part, along with a request ~~that which~~ sets forth information sufficient to allow the making of all determinations required by this subsection (d) ~~of this Section~~.
- e) If requested by the applicant, the Commissioner shall approve a temporary location of a home office or a branch office if the temporary location: ~~is~~
- 1) is in the immediate vicinity of the approved permanent location; and
 - 2) can be established without undue injury not more competitive to any other properly conducted existing association or any properly conducted existing savings bank chartered under the Illinois Savings Bank Act than the approved permanent location.

(Source: Amended at 26 Ill. Reg. 13471, effective Sep 13, 2002)

SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section 1000.2700 Purpose (Repealed)

~~The Savings and Loan Advisory Board ("Advisory Board") shall be appointed by the Commissioner of Banks and Real Estate to assist him in the conduct of his duties with respect to the regulation of thrift institutions and savings and loan holding companies by:~~

- ~~a) Providing information to the Commissioner concerning situations or conditions which~~

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- ~~may have direct or indirect impact on the savings industry in Illinois.~~
- ~~b) Contributing suggestions for statutory and regulatory proposals.~~
 - ~~c) Reviewing, and advising the Commissioner about proposed legislation and rules.~~

(Source: Repealed at 26 Ill. Reg. 13471, effective Sep 13, 2002)

Section 100.2710 Composition, Appointment (Repealed)

- ~~a) The Advisory Board shall be composed of members appointed by the Commissioner in a number to be determined by the Commissioner.~~
- ~~b) Members of the Board of Savings Institutions, serving pursuant to the Illinois Savings and Loan Act of 1985, automatically shall be members of the Advisory Board.~~
- ~~c) Appointments to the Advisory Board shall be for two year terms, the first to commence on January 1, 1989. Terms of all members shall commence simultaneously and expire simultaneously, except for members of the Board of Savings Institutions, whose terms on the Advisory Board shall coincide with their tenures on the Board of Savings Institutions.~~
- ~~d) No member of the Advisory Board, including the Chairman, shall receive any compensation for services on the Advisory Board but shall be reimbursed for ordinary and necessary expenses incurred in attending meetings of the Advisory Board.~~

(Source: Repealed at 26 Ill. Reg. 13471, effective Sep 13, 2002)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1075.110	Amended
1075.150	New
1075.200	Amended
1075.300	Amended
1075.410	Amended
1075.415	Amended
1075.440	Amended
1075.470	Amended
1075.550	Amended
1075.555	Amended
1075.560	Amended
1075.575	Amended
1075.580	Amended
1075.590	New
1075.600	Amended
1075.715	Amended
1075.730	Amended
1075.740	Amended
1075.1280	Amended
1075.1500	Amended
1075.1700	Amended
1075.2170	Amended
- 5) Statutory Authority: Implementing and authorized by Section 9002(2) of the Savings Bank Act [205 ILCS 205/9002(2)]
- 5) Effective Date of Amendments: September 13, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 9) A copy of these adopted amendments is on file in the Office of Banks and Real Estate's (OBRE's) principal office and is available for public inspection.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 10) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 5230 on April 12, 2002
- 10) Has JCAR issued a Statement of Objection to these amendments? If answer is "yes," please complete the following: No
- 11) Differences between proposal and final version: In response to recommendations made by the Joint Committee on Administrative Rules (JCAR), OBRE has added standards to Section 1075.110 (d), a date certain to Section 1075.150 (b) & (c), and a definition to Section 1075.200. OBRE has also made other technical changes 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? Yes
- 14) Will these amendments replace any emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendment to Section 1075.110 states the conditions under which material that is filed with the Commissioner shall be treated as confidential. The addition of Section 1075.150 permits the Commissioner to terminate applications or other filings if the person making the filing fails to respond to the Commissioner's request for additional documents or information within 120 days. Termination of inactive applications is essential to efficient application processing. The amendment of Section 1075.300 is a clarification of the language of the rule and makes no substantive changes. The amendment to subsection (b) of Section 1075.410 permits the Commissioner to consider a capital plan approved by any federal depository institution regulator (not just the U.S. Office of Thrift Supervision). This change recognizes the fact that commercial banks and credit unions may convert to state savings bank (not just thrifts). Also, the term "depository institution" replaces "financial institution". The term, "depository institutions" is defined by the Savings Bank Act (205 ILCS 205/1007.50). Only depository institutions may convert to savings bank charter. The amendment to Section 1075.415 corrects citations to federal law. The amendment to Section 1075.440 simplifies the wording of the subsection (a) and no substantive changes are made. The amendment at subsection (c) of Section 1075.470 clarifies that an Illinois savings bank may use the lower-case "sb" in its name. Also, Section 1075.470 is amended to replace "financial institution" with "depository institution". This rule regarding the adoption or use of a deceptively similar name is intended to refer to "depository institutions," not to "financial institutions" which may

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

include insurance and securities firms and mortgage bankers, etc. The amendments to Sections 1075.550 (Letter of Credit), 1075.555 (Other Investments), 1075.560 (Commercial Paper), 1075.575 (Finance Leasing), and 1075.580 (Suretyship) assure Illinois savings banks parity with other depository institutions. The new 1075.590 rule is added pursuant to Section 1009 of the Act (205 ILCS 205/1009) which permits the Commissioner to establish an alternative asset composition test. The federal Gramm-Leach-Bliley Act (enacted November 1999) regarding financial modernization changed the qualifications for membership in a Federal Home Loan Bank (FHLB) and parity for eligibility to receive advances from an FHLB. This amendment is consistent with FHLB requirements and parity. The amendment to Section 1075.600 permits savings banks to employ operating subsidiaries to the same extent as other depository institutions. Operating subsidiaries have become important tools for depository institution in building modern, efficient corporate structures. The amendment to Section 1075.715 changes the time of publishing of notice of filing of a branch application to the time of filing the application with the Commissioner in order to coordinate with federal requirements. Also, designation of material in the application as confidential is treated as prescribed in Section 1075.110(d) of the Savings Bank Rules. The amendments to Sections 1075.730 and 1075.740 substitute the term “depository institution” for “financial institution” for the prior-cited reason in references to maintaining an office or purchasing or operating a branch office after conversion to a savings bank. The amendment to Section 1075.1280 clarifies that the required information relates to all types of financial institutions not just depository institutions. The amendment to Section 1075.1500 clarifies that the sale of a branch office is governed by Section 1075.740 not this Section. The change in control regulation in Section 1075.1700 is amended to permit the Commissioner to accept federal depository institution regulator application in lieu of the application required by this Section. The amended Section also reduces the emphasis on protecting the owners of the savings bank as opposed to its depositors, borrowers, and creditors. The amendment also removes application processing deadlines that are inconsistent with statutory requirements. Other non-substantive changes are made. Subsection (g)(18) of Section 1075.2170 is amended to require that the financial advisor of the converting savings bank have experience in valuing “depository institutions” specifically, not just “financial institutions” generally.

17) Information and questions regarding these adopted amendments shall be directed to:

Alan Anderson
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-3000

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section

1075.100	Filings
1075.110	Conditions
1075.120	Examination Fees
1075.130	Supervisory Fees
1075.140	Adjusted Supervisory Fees
1075.141	Special Credit (Repealed)
1075.150	<u>Withdrawal of Applications or Other Filings</u>

SUBPART B: DEFINITIONS

Section

1075.200	Definitions
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SUBPART C: REPORTS

Section

1075.300	Contracts
1075.310	Financial Reports

SUBPART D: OPERATIONS

Section

1075.400	Capital Stock (Repealed)
1075.410	Minimum Capital Requirement
1075.415	Conflicting Federal Powers, Law and Regulations
1075.420	Advertising
1075.430	Maintenance of Records
1075.440	Business Plan
1075.450	Excess Insurance
1075.455	Vacancies in the Board of Directors
1075.460	Bond of Officers, Directors, Employees and Agents

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.465 Indemnification of Officers, Directors, Employees and Agents
- 1075.470 Deceptively Similar Names
- 1075.480 Manner of Display of Annual Meeting Notice
- 1075.490 Procedures for Exercise of Dissenters Rights

SUBPART E: INVESTMENTS

Section

- 1075.500 Prudent Person Rule
- 1075.505 Investment Underwriting Practice
- 1075.510 Discrimination and Redlining
- 1075.515 Loans Secured by Real Estate
- 1075.520 Construction Loans
- 1075.525 Mobile Home Financing (Repealed)
- 1075.530 Overdraft Loans
- 1075.535 Education Loans
- 1075.540 Vehicle/Automobile Loans
- 1075.545 Home Equity Loans
- 1075.550 Letter of Credit
- 1075.555 Other Investments
- 1075.560 Commercial Paper
- 1075.565 Financial Futures
- 1075.570 Financial Options
- 1075.575 Finance Leasing
- 1075.580 Suretyship
- 1075.585 Asset Reserves
- 1075.590 Asset Composition Test

SUBPART F: SERVICE CORPORATION AND OPERATING SUBSIDIARIES

Section

- 1075.600 Requirements
- 1075.610 Approval by the Commissioner
- 1075.620 Investment Limitations
- 1075.630 Investments by Service Corporations
- 1075.640 Ownership of Capital Stock of Service Corporation
- 1075.650 Prohibited Transactions
- 1075.660 Disclosure to Service Corporation
- 1075.670 Reporting Requirements
- 1075.680 Audit Requirements

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: RELOCATIONS AND BRANCHING

Section

- 1075.700 General
- 1075.705 Application
- 1075.710 Request for Preliminary Determination
- 1075.715 Public Notice and Inspection
- 1075.720 Protest
- 1075.725 Oral Argument
- 1075.730 Application for the Maintenance of Branch Office after Conversion, Consolidation,
Purchase of Assets or Merger
- 1075.735 Redesignation of Offices
- 1075.740 Termination of Operation and/or Closing of a Branch Office
- 1075.745 Agency Offices
- 1075.750 Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART H: CAPITAL NOTES AND DEBENTURES

Section

- 1075.800 Approval
- 1075.810 Conversion to Stock
- 1075.820 Priority of Claim

SUBPART I: ADMINISTRATIVE HEARING PROCEDURES

Section

- 1075.900 Applicability
- 1075.905 Definitions
- 1075.910 Early Neutral Evaluation
- 1075.915 Conference Adjudicative Hearing
- 1075.920 Filing
- 1075.925 Form of Documents
- 1075.930 Computation of Time
- 1075.935 Appearances
- 1075.940 Notice of Hearing
- 1075.945 Service of the Notice of Hearing
- 1075.950 Motion and Answer
- 1075.955 Consolidation and Severance of Matters - Additional Parties
- 1075.960 Intervention

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.965 Postponement or Continuance of Hearing
- 1075.970 Authority of Hearing Officer
- 1075.975 Bias or Disqualification of Hearing Officer
- 1075.980 Prehearing Conferences
- 1075.985 Discovery
- 1075.990 Subpoenas
- 1075.995 Conduct of the Hearing
- 1075.1000 Default
- 1075.1005 Evidence
- 1075.1010 Official Notice
- 1075.1015 Hostile Witnesses
- 1075.1020 Transcription of Proceedings
- 1075.1025 Briefs
- 1075.1030 Hearing Officer's Findings, Opinions and Recommendations
- 1075.1035 Order of the Commissioner
- 1075.1040 Rehearings
- 1075.1045 Existing Statutory or Agency Procedures and Practices
- 1075.1050 Costs of Hearing
- 1075.1055 Emergency Adjudication

SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section

- 1075.1100 Applicability
- 1075.1105 Definitions
- 1075.1110 Mutual Holding Company Reorganizations
- 1075.1111 Subsidiary Holding Company
- 1075.1115 Prohibition Against Approval of Certain Applications for Reorganization
- 1075.1120 Contents of Reorganization Plans
- 1075.1125 Capital Stock (Repealed)
- 1075.1130 Charter (Repealed)
- 1075.1135 Control (Repealed)
- 1075.1140 Eligible Account Holder (Repealed)
- 1075.1145 Eligibility Record Date (Repealed)
- 1075.1150 Employee (Repealed)
- 1075.1155 Equity Security (Repealed)
- 1075.1160 Insured Institution (Repealed)
- 1075.1165 Member (Repealed)
- 1075.1170 Net Worth (Repealed)
- 1075.1175 Officer (Repealed)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.1180 Person (Repealed)
- 1075.1185 Qualifying Deposit (Repealed)
- 1075.1190 Sale (Repealed)
- 1075.1195 Security (Repealed)
- 1075.1200 Source Documents (Repealed)
- 1075.1205 Subsidiary (Repealed)
- 1075.1210 Liquidation Account and Proxies
- 1075.1215 Mutual Holding Company Ceasing to be a Depository Institution
- 1075.1220 Directors of a Mutual Holding Company
- 1075.1225 Stock Issuance Plan
- 1075.1230 Stock of a Subsidiary of a Mutual Holding Company
- 1075.1235 Stock Subsidiary Formation
- 1075.1240 Net Worth Maintenance Agreement (Repealed)
- 1075.1245 Members' Rights
- 1075.1250 Investment
- 1075.1255 Notice Requirement/Corrective Action
- 1075.1260 Insider Abuses
- 1075.1265 Determination of the Qualification and Condition of an Out-of-State Acquisition
- 1075.1270 Acquisition and Disposal of Subsidiaries
- 1075.1275 Dividend Limitations and Waivers
- 1075.1280 Officers and Directors List
- 1075.1285 Access to Books and Records
- 1075.1290 Annual Audit Requirements
- 1075.1295 Maintenance of Records
- 1075.1300 Notice of Appointment of Independent Accountants
- 1075.1305 Holding Company Filing Fees (Repealed)
- 1075.1310 Holding Company Supervisory Fees
- 1075.1315 Examination Fees
- 1075.1320 Conditions
- 1075.1325 Manner of Payment
- 1075.1330 Conversion of Mutual Holding Companies

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN
ILLINOIS SAVINGS BANK

Section

- 1075.1400 Scope of Rules
- 1075.1405 Definitions
- 1075.1410 General Rules for Conversion Plan
- 1075.1415 Adopting and Filing of a Conversion Plan (Repealed)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.1420 Conversion Plan Requirements (Repealed)
- 1075.1425 Vote by Shareholders and Members (Repealed)
- 1075.1430 Issuance of Certificate of Approval
- 1075.1435 Final Approval of the Conversion
- 1075.1440 Powers of Resulting Savings Bank
- 1075.1445 Obligations of Resulting Savings Bank
- 1075.1450 Directors of Resulting Savings Bank

SUBPART L: SUPERVISION

Section

- 1075.1500 Sale of Offices, Facilities and Equipment
- 1075.1510 Purchase of Offices (Repealed)
- 1075.1520 Bridge Charters
- 1075.1530 Unsafe and Unsound Practices
- 1075.1540 Failure to Comply with Report of Examination
- 1075.1550 Publication

SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRYWIDE PROHIBITION

Section

- 1075.1600 Scope
- 1075.1610 Notice of Intention and Answer
- 1075.1620 Removal and Prohibition by Order
- 1075.1630 Suspension by Notice
- 1075.1640 Industry wide Prohibition
- 1075.1650 Unauthorized Participation of Convicted Individual

SUBPART N: ACQUISITION OF CONTROL OF A SAVINGS BANK

Section

- 1075.1700 Acquisition of Control of a Savings Bank
- 1075.1710 Anti-Takeover Provisions

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK
SAVINGS BANK

Section

- 1075.1800 Subpart Exclusive - Prohibition on Conversion Without Approval - Waiver of Requirements

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.1805 Forms
- 1075.1810 Request of Noncompliance Requirements (Repealed)
- 1075.1815 Definitions
- 1075.1820 Prohibition on Approval of Certain Applications for Conversion
- 1075.1825 Requirements of Plan of Conversion
- 1075.1830 Issuance of Capital Stock - Price
- 1075.1835 Stock Purchase Subscription Rights - Eligible Account Holders
- 1075.1840 Stock Purchase Subscription Rights Received by Officers, Directors, and their Associates - Subordination
- 1075.1845 Supplemental Share Purchase Subscription Rights - Supplemental Eligible Account Holder - Conditions
- 1075.1850 Voting Members Who Are Not Eligible Account Holders
- 1075.1855 Sale of Shares Not Sold in Subscription Offering - Methods - Conditions
- 1075.1860 Uniform Sales Price of Shares Required - Application to Specify Arrangements on Sale of Shares Not Sold in Subscription Offering
- 1075.1865 Savings Account Holder to Receive Withdrawable Savings Account(s) - Amount
- 1075.1870 Liquidation Account - Establishment and Maintenance Required
- 1075.1875 Establishment of Eligibility Record Date Required
- 1075.1880 Voting Rights
- 1075.1885 Amendment and Termination -Stock by Directors and Officers
- 1075.1895 Conditions on Shares of Stock Subject to Restriction on Sale
- 1075.1900 Registration of Securities - Marketing of Securities - Listing of Shares on Securities Exchange or NASDAQ Quotation System
- 1075.1905 Reasonable Expenses Required
- 1075.1910 Employee Stock Benefit Plan - Priority
- 1075.1915 Employee Stock Benefit Plan - Contributions
- 1075.1920 Plan of Conversion - Prohibited Provisions
- 1075.1925 Optional Provisions in Plan of Conversion
- 1075.1930 Approval of Other Provisions
- 1075.1935 Amount of Qualifying Deposit of Eligible Account Holder or Supplemental Eligible Account Holder
- 1075.1940 Liquidation Account - Establishment Required - Amount - Function
- 1075.1945 Liquidation Account - Maintenance Required - Subaccounts
- 1075.1950 Liquidation Account - Distribution Upon Complete Liquidation
- 1075.1955 Liquidation Account - Determination of Subaccount Balances
- 1075.1960 Reduction of Subaccount Balance
- 1075.1965 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval
- 1075.1970 Limitation on Cash Dividends
- 1075.1975 Dividends on Preferred Stock
- 1075.1980 Prohibitions on Offer, Sale, or Purchase of Securities

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1075.1985 Acquisitions of Control of a Converted Savings Bank
- 1075.1990 Articles of Incorporation - Restrictions Permitted
- 1075.1995 Confidentiality of Consideration to Convert - Remedial Measures for Breach
- 1075.2000 Public Statement Authorized
- 1075.2005 Adoption of Plan of Conversion - Notice to and Inspection by Account Holders - Statement and Letter - Press Release Authorized
- 1075.2010 Statement, Letter and Press Release - Content Permitted
- 1075.2015 Statement, Letter and Press Release - Contents Prohibited - Inquiries
- 1075.2020 Notices of Filing of Application - Requests for Subscription Offering Circular
- 1075.2025 Filing of Notice and Affidavit of Publication Required
- 1075.2030 Application Available for Public Inspection - Confidential Information
- 1075.2035 Solicitation of Proxies; Proxy Statements
- 1075.2040 Vote by Members
- 1075.2045 Offers and Sales of Securities - Prohibitions
- 1075.2050 Distribution of Offering Circulars Authorized
- 1075.2055 Preliminary Offering Circular for Subscription Offering - Estimated Subscription Price Range Required
- 1075.2060 Review of Price Information by Commissioner
- 1075.2065 Underwriting Commission
- 1075.2070 Consideration of Pricing Information by Commissioner - Guidelines
- 1075.2075 Submission of Information by Applicant
- 1075.2080 Subscription Offering - Distribution of Order Forms for the Purchase of Shares
- 1075.2085 Order Forms - Final Offering Circular and Detailed Instructions
- 1075.2090 Subscription Price
- 1075.2095 Order Form - Contents
- 1075.2100 Order Form - Additional Provision Authorized - Payment by Withdrawal
- 1075.2105 Time Period for Completion of Sale of all Shares of Capital Stock
- 1075.2110 Continuity of Corporate Existence
- 1075.2115 Application to Furnish Information
- 1075.2120 Additional Filing Requirements
- 1075.2125 Availability for Conferences in Advance of Filing of Application - Refusal of Prefiling Review
- 1075.2130 Appeal from Refusal to Approve Application
- 1075.2135 Postconversion Reports
- 1075.2140 Certain Agreement to Transfer and Transfers of Ownership in Rights or Securities Prohibited
- 1075.2145 Certain Offers and Announcements on Securities Prohibited
- 1075.2150 Certain Offers and Acquisitions Prohibited
- 1075.2155 Definitions - Certain Transfers, Offers and Acquisitions Prohibited
- 1075.2160 Amendments to Charter Required in Application - Articles of Incorporation - Filing

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- of Certificate Required - Contents - Issuance and Filing of Authorization Certificate
- 1075.2165 Conversion Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company Subsidiary - Restriction on Sale of Shares of Stock by Directors and Officers
- 1075.2170 Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank - Undercapitalized Mutual Savings Bank
- 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company
- 1075.2200 Application - Application Requirements
- 1075.2210 Application - Filing the Application and Fees
- 1075.2220 Application - Preparing the Application
- 1075.2230 Application - Application Contents
- 1075.2240 Application - Application Exhibits
- 1075.2300 Proxy Statement - Information Required in Conversion Proxy Statement
- 1075.2310 Proxy Statement - Notice of Meeting
- 1075.2320 Proxy Statement - Revocability of Proxy
- 1075.2330 Proxy Statement - Persons Making the Solicitations
- 1075.2340 Proxy Statement - Voting Rights and Vote Required for Approval
- 1075.2350 Proxy Statement - Directors and Executive Officers
- 1075.2360 Proxy Statement - Management Remuneration
- 1075.2370 Proxy Statement - Business of the Applicant
- 1075.2380 Proxy Statement - Description of the Plan of Conversion
- 1075.2390 Proxy Statement - Description of Capital Stock
- 1075.2400 Proxy Statement - Capitalization
- 1075.2410 Proxy Statement - Use of New Capital
- 1075.2420 Proxy Statement - New Charter, Bylaws, or Other Documents
- 1075.2430 Proxy Statement - Other Matters
- 1075.2440 Proxy Statement - Financial Statements
- 1075.2450 Proxy Statement - Consents of Experts and Reports
- 1075.2460 Proxy Statement - Attachments
- 1075.2500 Offering Circular
- 1075.2510 Offering Circular - Certain Manner of Presentation of Required Information Prohibited
- 1075.2520 Offering Circular - Certain Named Persons - Filing of Written Consent Required
- 1075.2530 Offering Circular - Information Required
- 1075.2540 Offering Circular - Additional Current Information Required
- 1075.2550 Offering Circular - Statement Required in Offering Circulars
- 1075.2560 Offering Circular - Preliminary Offering Circular
- 1075.2570 Offering Circular - Information with Respect to Exercise of Subscription Rights

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1075.2580 Offering Circular - Information with Respect to Public Offering or Direct Community Offering

SUBPART P: HIGH RISK HOME LOANS

Section

- 1075.3000 Definitions
- 1075.3100 Ability to Repay
- 1075.3150 Verification of Ability to Pay Loan
- 1075.3200 Fraudulent or Deceptive Practices
- 1075.3225 Prepayment Penalty
- 1075.3250 Pre-paid Insurance Products and Warranties
- 1075.3300 Refinancing Prohibited in Certain Cases
- 1075.3325 Balloon Payments
- 1075.3350 Financing of Certain Points and Fees
- 1075.3400 Payments to Contractors
- 1075.3450 Negative Amortization
- 1075.3500 Negative Equity
- 1075.3550 Counseling Prior to Perfecting Foreclosure Proceedings
- 1075.3600 Mortgage Awareness Program
- 1075.3650 Report of Default and Foreclosure Rates on Conventional Loans
- 1075.3700 Commissioner's Review and Analysis
- 1075.3750 Third Party Review of High Risk Home Loans

APPENDIX A Estimated Monthly Income and Expenses Worksheet

APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 24 Ill. Reg. 73, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 6986, effective April 24, 2000,

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; emergency expired on September 20, 2000; amended at 24 Ill. Reg. 15026, effective September 26, 2000; emergency amendment at 24 Ill. Reg. 19331, effective December 15, 2000, for a maximum of 150 days; emergency amendment repealed at 25 Ill. Reg. 3698, effective January 30, 2001, in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg 1858; amended at 25 Ill. Reg. 6197, effective May 17, 2001; amended at 26 Ill. Reg. 13483, effective Sep 13, 2002.

SUBPART A: FILINGS

Section 1075.110 Conditions

- a) No submission subject to a fee shall be considered complete without the stipulated fee.
- b) The fee shall be non-refundable regardless of the subsequent action with respect to the submission.
- c) The Commissioner may waive the payment of the applicable fee otherwise required by this Section and Section 1075.100 of this Part when:
 - 1) the Commissioner determines that the respective merger or bulk sale of assets avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of the The Act; or
 - 2) the establishment of a branch office is at the location of the home office of the savings bank which ceases to exist as the result of a merger or bulk sale of assets which avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of the The Act; or
 - 3) the termination of operation and closing of a branch office pertains to a branch office of a savings bank which ceases to exist as the result of a merger or bulk sale of assets which avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of the The Act and the closing of the respective branch office is a condition stipulated in the plan of the respective merger or bulk sale of assets.
- d) Should a person desire to submit any information it considers to be of a confidential nature as part of a submission, such information shall be separately bound and labeled in capital letters, "CONFIDENTIAL", and a statement shall be submitted with the bound copy briefly setting forth the grounds on which such information should be treated as confidential. Only general reference need be made of that "CONFIDENTIAL" portion in the portion of the submission that the applicant considers not to be confidential. If any material has been granted confidential treatment under State or federal law or by a government agency or a court, those circumstances should be described. All materials filed are available for inspection,

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

except for portions that are bound and labeled in capital letters, "CONFIDENTIAL", and that the Commissioner determines to hold from public availability because of their confidential nature. The Commissioner's determination to hold material from public inspection shall be based on considerations of safety and soundness of the applicant, the propriety nature of the material, privacy of the applicants or their directors, officers, employees or customers, or on the treatment of the material by other government agencies or by the courts. The Commissioner will not permit public inspection or copying of any material that is or would be confidential under State or federal law. The Commissioner will advise the party filing the submission of any decision to make available to the public information labeled in capital letters, "CONFIDENTIAL". It should be understood that it may be necessary for the Commissioner to release materials previously given confidential treatment. It should be further understood that even though parts of the submission are considered confidential as far as public inspection is concerned, the Commissioner may comment on the confidential portions of submissions, without prior notice, in any public statement in connection with the Commissioner's decision on the submission.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.150 Withdrawal of Applications or Other Filings

- a) Unless otherwise specified in the Savings Bank Act [205 ILCS 205] or this Part, an application or other filing submitted under the Savings Bank Act or this Part shall be deemed withdrawn if the person making the filing fails to respond within 120 days after a request by the Commissioner for additional documents or information related to the filing. All withdrawn applications or other filings shall be terminated and shall be ineffective. The Commissioner may agree to extend the time in which the application or other filing shall be deemed withdrawn unless the Savings Bank Act or this Part requires otherwise.
- b) Notwithstanding subsection (a) of this Section, applications or other filings submitted on or before September 15, 2002 shall not be deemed withdrawn unless the person making the filings fails to respond within 120 days after that date to a request by the Commissioner for additional documents or information related to the filing.
- c) Nothing in this Section requires the Commissioner to reissue requests for additional documents or information made prior to September 15, 2002.

(Source: Added at 26 Ill. Reg. 13483, effective Sep 13, 2002)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: DEFINITIONS

Section 1075.200 Definitions

Words or terms that are defined in the ~~The~~ Act shall retain the same meaning when used in this Part.

"ACT" means the Savings Bank Act [205 ILCS 205].

"COMPANY" means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within ~~twenty-five (25)~~ years or not later than ~~twenty-one (21)~~ years and ~~ten (10)~~ months after the death of individuals living on the effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state.

"CONTROLLING INTEREST" means a person, or company has a controlling interest in a proposed savings bank, a lender, or a company, if the person, or company:

directly or indirectly or acting through one or more other persons or companies owns, controls, or has power to vote 25 percent or more of any class of voting securities at the proposed savings bank, lender, or company; or

controls in any manner the election of the majority of the directors or trustees of the proposed savings bank, lender, or company; or

the Commissioner determines, after a hearing, that the company directly or indirectly exercises a controlling influence over the management policies of the proposed savings bank, lender, or company; or

directly or indirectly, or acting through one or more other persons or companies, owns, controls, or has power to vote 25 percent or more of any class of securities that invests the owner, controller, or voter with the right to vote to approve or disapprove of voluntary corporate changes and amendment of the Articles of Incorporation and bylaws.

"LENDER" means a secured or unsecured creditor or creditors named as such in the debt obligation and documents, creating any security interest.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART C: REPORTS

Section 1075.300 Contracts

- a) ~~Except A savings bank entering into a contract, except~~ employment contracts, loans on savings accounts, or contracts with consideration of less than ~~twenty five thousand dollars (\$25,000.00)~~, a savings bank shall file with the Commissioner, within 10 days after the contract's execution, a copy of any contract with any of the following:
- 1) any person owning 10 percent or more of the outstanding shares of stock of the savings bank, if that savings bank issues stock; ~~or~~
 - 2) any director, officer, employee, agent, or attorney of the savings bank; ~~or~~
 - 3) any representative, partner or immediate relative of an officer, director or 10 percent shareholder of the savings bank or savings bank holding company; ~~or~~
 - 4) any corporation in which any of the above persons have a 10 percent interest; or
 - 5) any trust in which any of the above persons has ~~have~~ an interest, ~~shall forward a copy of such contract to the Commissioner within ten (10) days after the execution of such contract.~~
- b) Any savings bank knowingly entering into a contract with a director, officer, or a 10 percent or more shareholder of any other financial institution either directly or with a corporation or trust in which such director, officer, or 10 percent or more shareholder owns 10 percent or more of the voting stock of that corporation, or has a beneficial interest in that trust, shall file with the Commissioner ~~forward~~ a copy of the such contract within 10 days after its execution ~~to the Commissioner within ten (10) days after the execution of such contract.~~
- c) Every contract entered into by a savings bank of a kind or nature stated in subsection (a) or (b) ~~above~~, shall be approved by the board of directors of that savings bank, and that such approval shall be reflected in the minutes of the meeting of the board of directors and kept on file at the savings bank.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.410 Minimum Capital Requirement

- a) The Commissioner may establish a minimum capital level for a savings bank at such amount or at such ratio of capital-to-assets as the Commissioner determines to be

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- necessary or appropriate in consideration of the circumstances of the savings bank.
- b) For a depository financial institution applying to convert to a savings bank charter, the Commissioner may accept as being in full compliance with Section 5001 of the ~~The~~ Act a depository financial institution with less than the minimum capital required by the Act ~~therein~~ if the depository financial institution has a ~~an~~ approved capital plan approved by the institution's federal depository institution regulator under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 1464(5)(s)(5)), and the Commissioner finds that the depository financial institution is otherwise being operated in a safe and sound manner. The Commissioner's ~~Such~~ determination shall be made after review of financial reports and statements, reports of examination and other such information as the Commissioner shall consider necessary for making a determination that the depository financial institution is being operated in a safe and sound manner.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.415 Conflicting Federal Powers, Law and Regulations

With regard to the exercise of any power derived from Section 1006(a) of the ~~The~~ Act, and in case of conflict between the ~~The~~ Act and any other statute or regulation from which a power is derived under Section 1006(a) of the ~~The~~ Act, or in cases where clarification is sought regarding the manner of exercising a derived power, its context or the limits to be observed in its exercise, the ~~The~~ Act, the Federal Deposit Insurance Act (12 USC 1811 et seq.) (~~12 C.F.R. 300 et seq.~~) and the Federal Deposit Insurance Corporation Rules (12 CFR 300 et seq.) (~~12 U.S.C. 1811 et seq.~~) shall prevail.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.440 Business Plan

- a) All savings banks whose operations are considered unsafe or unsound by the Commissioner pursuant to the Act or who have total capital less than the amount required under Section 5007 of the ~~The~~ Act, or any condition which would endanger the ongoing viability of the savings bank, shall develop a business plan and have the same available for review by the examiners. The period covered by the business plan shall not be less than one ~~(1)~~ year or, but may be for any greater period ~~number of periods~~ that the Commissioner may require. Each such plan shall contain the following:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) introduction;
 - 2) mission statement;
 - 3) corporate objectives;
 - 4) corporate strategies; and
 - 5) financial projections for the period covered by the business plan.
- b) The savings bank's business plan shall be reviewed to determine its continued viability in accordance with current economic conditions and approved or revised, as determined by the board of directors, at least annually.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.470 Deceptively Similar Names

- a) No savings bank may adopt or use any name deceptively similar to that of another currently ~~current~~ existing savings bank or depository ~~financial~~ institution that is located within the area as defined as follows:
- 1) within the counties of Cook, Lake, DuPage, McHenry, Kane and Will, a radius of one mile of the main office of another savings bank or other depository ~~financial~~ institution; and
 - 2) within all other counties of the State, excluding those specifically identified in subsection (a) above, a radius of 50 miles of a savings bank or other depository ~~financial~~ institution.
- b) For purposes of Subpart D of this Part the determination of the deceptive similarity of a name shall be made by the Commissioner or such other person or persons as are authorized to act on the Commissioner's behalf.
- c) A savings bank chartered under the ~~The~~ Act must use the words "Savings Bank" or the initials "SB" or "sb" in its name.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART E: INVESTMENTS

Section 1075.550 Letter of Credit

A savings bank is permitted to issue letters of credit provided that the total funds advanced plus secured and unsecured loans for business, corporate, commercial, agricultural, or overdraft purposes does not exceed 15 percent of total assets.

- a) The letter of credit must clearly indicate it as a letter of credit, that the issuer's debt to

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- pay is solely dependent upon conforming documents, that the account party must have an unqualified obligation to reimburse the issuer for payments made, and include a specified expiration date or definite term.
- b) The underwriting and documentation for a letter of credit must be in conformance with Section 1075.505 of this Part.
 - c) All documentation used in evidencing compliance with this Section is retained as part of the records of the savings bank for the term of the letter of credit.
 - d) Notwithstanding any provision of this Section, a savings bank may issue letters of credit to the same extent and manner as permitted to any other type of depository institution.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.555 Other Investments

Pursuant to Section 6003 of ~~the~~ The Act, a savings bank is permitted to invest in loans secured by stock or equity securities, other than stock or equity securities of a ~~depository financial~~ institution, if the stock or equity security has a readily available market. Such investment shall not exceed 1 percent of the total assets of the savings bank. Notwithstanding any provision of this Section, a savings bank may invest in loans secured by stock or equity securities to the same extent and manner as permitted to any other type of depository institution.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.560 Commercial Paper

- a) A savings bank is permitted to invest in commercial paper to the extent that the total of loans for business, corporate, commercial, overdrafts and agriculture, plus corporate debt securities and commercial paper does not exceed 30 percent of the total assets of the savings bank.
- b) Investments in commercial paper are limited as follows:
 - 1) up to 1 percent of assets, or \$1,000,000, whichever is more, in commercial paper of any one issuer rated, as of the date of purchase, in the highest category by a national rating service;
 - 2) up to ½ of 1 percent of assets, or \$500,000, whichever is more, in commercial paper of any one issuer rated, as of the date of purchase, in one of the two highest categories by a national rating service; or
 - 3) up to ¼ of 1 percent of assets, or \$250,000, whichever is more, in commercial

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

paper of any one issuer rated, as of the date of purchase, in one of the four highest categories by a national rating service.

Notwithstanding any provision of this Section, a savings bank may invest in commercial paper to the same extent and manner as permitted any other type of depository institution.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.575 Finance Leasing

Savings Pursuant to Section 1008 (15) of The Act, savings banks may engage in leasing activities that are the functional equivalent of lending, subject to the limitations of this Section.

- a) A savings bank may become the legal or beneficial owner of tangible personal property or real property to lease such property, may obtain an assignment of a lessor's interest in a lease of such property, and may incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property, if:
 - 1) the lease is a net, full-payout lease representing a non-cancelable obligation of the lessee, notwithstanding the possible early termination of the lease; and
 - 2) at the expiration of the lease, the savings bank's interest in the property shall be liquidated or released on a net basis as soon as practicable.
- b) A lease of tangible personal property made to a natural person for personal, family or household purposes pursuant to this Section shall be subject to all limitations applicable to the amount of a savings bank's investment in similar loans. A lease made for commercial, corporate, business or agricultural purposes pursuant to this Section shall be subject to all limitations applicable to the amount of a savings bank's investment in commercial loans. A lease of residential or nonresidential real property made pursuant to this Section shall be subject to all limitations applicable to the amount of a savings bank's investment in real estate loans.
- c) Definitions - for the purposes of this Section shall be the following.
 - 1) The term "net lease" means a lease under which the savings bank will not, directly or indirectly provide or be obligated to provide for:
 - A) the servicing, repair or maintenance of the leased property during the lease term;
 - B) the purchasing of parts and accessories for the leased property, except that improvements and additions to the leased property may be leased to the lessee upon its request in accordance with the full-payout requirements of this Section;
 - C) the loan of replacement or substitute property while the leased property is being serviced;

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- D) the purchasing of insurance for the lessee, except where the lessee has failed to discharge a contractual obligation to purchase or maintain insurance; or
 - E) the renewal of any license, registration or filing for the property unless such action by the savings bank is necessary to protect its interest as an owner or financier of the property.
- 2) The term "full-payout" lease means one from which the lessor can reasonably expect to realize a return of its full investment in the leased property, plus the estimated cost of financing the property over the term of the lease, from rentals, estimated tax benefits, guarantees and other sources, and the estimated residual value of the property at the expiration of the initial term of the lease. Provided that no more than 20 percent of the return may be realized from the residual value of the property at the expiration of the initial term of the lease, both the estimated residual value of the property and that portion of the estimated residual value relied upon by the lessor to satisfy the requirements of a full-payout lease must be reasonable in light of the nature of the leased property and all relevant circumstances so that realization of the lessor's full investment plus the cost of financing the property depends primarily on the credit worthiness of the lessee, and not on the residual market value of the leased property. The maximum term of a full-payout lease shall be ~~twenty~~ (20) years.
- d) Salvage Powers - if, in good faith, a savings bank believes that there has been an unanticipated change in conditions that threatens its financial position by significantly increasing its exposure to loss, this Section shall not prevent the savings bank:
- 1) as the owner and lessor under a net, full-payout lease, from taking reasonable and appropriate action to salvage or protect the value of the property and its interest arising under the lease;
 - 2) as the assignee of a lessor's interest in a lease, from becoming the owner and lessor of the leased property pursuant to its contractual right, or from taking any reasonable and appropriate action to salvage or protect the value of the property or its interest arising under the lease; or
 - 3) from including any provisions in a lease, or from making any additional agreements, to protect its financial position or investment in the circumstances set forth in this Section.
- e) Notwithstanding any limitation of this Section, a savings bank may engage in leasing activities to the same extent and manner permitted to any other type of depository institution.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Section 1075.580 Suretyship

A Pursuant to Section 1008 (20) of The Act, a savings bank may shall enter into an agreement to act as a surety subject to the following provisions.

- a) A savings bank operating under the The Act may exercise surety powers only to the extent authorized by the Federal Deposit Insurance Corporation.
- b) A savings bank may enter into a suretyship agreement only if the agreement would create an obligation authorized for investment by a savings bank. A savings bank's obligation under the suretyship agreement shall be treated as a loan to its principal principle for purposes of Sections 6010 and 6013 of the The Act and Section 1075.500 of this Part.
- c) A savings bank must take and maintain a security interest in real estate or marketable investment securities, as defined at Section 1007.85 of the The Act, of its principal having a market value, determined in accordance with the provisions of the The Act and this Part, of at least 110 percent of the savings bank's total suretyship obligations. In determining compliance with the 110 percent collateralization requirement, the savings bank shall consider the value available above prior mortgages or liens, except those held by the party for whose protection the suretyship agreement is made. If marketable investment securities, the savings bank shall provide for the maintenance of the collateral value at the required level throughout the term of the suretyship agreement.
- d) To the extent that a savings bank is required to meet its obligations under a suretyship agreement, the amount expended shall be treated as an extension of credit subject to the limitations imposed on similar loans under the various provisions of the The Act and this Part.
- e) Notwithstanding any provision of this Section, a savings bank may act as a surety to the same extent and manner as permitted to any other type of depository institution.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.590 Asset Composition Test

As an alternative asset test prescribed pursuant to Section 1009 of the Act, the composition of the assets, including loans and investments, of a savings bank is permitted to consist of any type, and in any amount, authorized by the Act and this Part, provided that the savings bank:

- a) is a member of a Federal Home Loan Bank as a Federal Home Loan Bank qualified thrift lender or community financial institution under the Federal Home Loan Bank Act (12 USC 1421 et seq.);
- b) has at least 10 percent of its total assets in residential mortgage loans as of the most

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

recent fiscal year-end; or
c) has total average assets for the three preceding fiscal years of less than \$500,000,000.
This Section does not require membership in a Federal Home Loan Bank.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART F: SERVICE CORPORATION AND OPERATING SUBSIDIARIES

Section 1075.600 Requirements

- a) No savings bank shall invest in or lend to a service corporation as defined in Section 1007.105 of the Act unless the said service corporation has been approved by the Commissioner.
- b) Subpart F of this Part shall not apply to investments in single-purpose corporations authorized under Sections 1008(9) and 6009 of the Act.
- c) Savings banks may designate a service corporation or other subsidiary subsidiaries as an operating subsidiary subsidiaries as follows:
 - 1) Upon approval of the Commissioner, a ~~majority owned and controlled~~ subsidiary of a savings bank that is majority owned and controlled by the savings bank may be designated as an operating subsidiary provided that the subsidiary engages solely in activities that are permitted for a depository institution or an operating subsidiary of a depository association savings bank.
 - 2) An operating subsidiary shall ~~not~~ be subject to the provisions of this Subpart except that a savings bank's total investment, including equity and debt securities and loans, in its first-tier operating subsidiary is not limited by this Subpart pertaining to service corporations. Loans made by the savings bank to its the operating subsidiary shall not be subject to Section 6013 of the Act.
 - 3) ~~A savings bank's total investment, including equity and debt securities and loans, in any operating subsidiary may not exceed the following level:~~
 - A) ~~if the savings bank owns and controls more than 50% but less than 75% of the operating subsidiary's stock, the investment level shall not exceed 20% of the savings bank's total capital unless a greater amount is authorized in writing by the Commissioner;~~
 - B) ~~if the savings bank owns and controls 75% but less than 100% of the operating subsidiary's stock, the investment level shall not exceed 50% of the savings bank's total capital unless a greater amount is authorized in writing by the Commissioner; and~~
 - C) ~~if the savings bank owns and controls 100% of the operating subsidiary's stock, no investment limit shall apply.~~

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 34) Upon approval of the Commissioner, a subsidiary of a first-tier an operating subsidiary may be designated as an operating subsidiary; provided that the lower tier subsidiary is wholly-owned and controlled by the first-tier upper tier operating subsidiary and engages solely in activities that are permitted for a depository institution or an operating subsidiary of a depository association. The total investment, including equity and debt securities and loans, by the savings bank or its first-tier operating subsidiary in the wholly-owned and controlled lower-tier operating subsidiary is not limited by this Subpart or Section 6013 of the Act. savings bank.
- 45) The total investment, including equity and debt securities and loans, by the savings bank and its first-tier operating subsidiary in a service corporation or an operating subsidiary that is not wholly-owned and controlled by the savings bank's first-tier operating subsidiary is subject to the same limitations under this Subpart that apply to the savings bank's investment in a service corporation that is not an operating subsidiary. Upon approval of the Commissioner, an operating subsidiary may invest in or lend to a service corporation, as defined in Section 1007.105 of the Act, to the same extent as a savings bank.
- 56) As used in this subsection (c):

"Subsidiary" means a corporation, limited liability company, partnership, business trust, joint venture, pool, syndicate or other similar business organization.

"Majority-owned" means the savings bank owns more than 50% of the voting interest or equivalent ownership interest (~~or similar controlling interest~~) of the subsidiary.

"Control" means effective operating control.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART G: RELOCATIONS AND BRANCHING

Section 1075.715 Public Notice and Inspection

- a) At the time of the filing of the application, After the application is complete, the Commissioner shall direct the applicant, shall in writing, to publish notice of intent to relocate or establish a branch office, within fifteen (15) calendar days from such date of direction. The notice shall be in form and content as prescribed by the Commissioner. The applicant shall publish notice in a newspaper printed in the

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- English language having a general circulation in the applicant's home office community and in the community to be served from the proposed location.
- b) Within ~~ten~~ (10) days following the date of publication, the applicant shall furnish the Commissioner with one copy each of the required notices ~~notice(s)~~ and the publisher's affidavits ~~affidavit(s)~~ of publication.
 - c) Subject to Section 1075.110(d) of this Part, ~~The Commissioner shall consider the application and its filing confidential until the applicant is advised to publish notice. After publication,~~ the application shall be available for public inspection at the Office of Banks and Real Estate, by appointment.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.730 Application for the Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger

- a) With written approval of the Commissioner, a savings bank ~~that~~ which acquires an office or offices through merger, purchase, purchase of all assets or consolidation shall assume the operation of any ~~such~~ acquired offices ~~office(s)~~. An existing depository financial institution ~~that~~ which converts to a savings bank shall maintain all of its offices, existing or approved before the conversion.
- b) If the Commissioner has approved a Plan of Conversion from a savings bank charter for a savings bank or has evidence of a savings bank's intent to file a such Plan of Conversion, he shall deny an application for a branch office.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

Section 1075.740 Termination of Operation and/or Closing of a Branch Office

- a) A savings bank may offer to sell a branch offices ~~office(s)~~ to another savings bank or other depository financial institution.
 - 1) Before any such sale, a copy of the proposed agreement shall be submitted to the Commissioner. Within ~~thirty~~ (30) calendar days the Commissioner shall notify the proposed seller, in writing, as to whether there is supervisory objection to the proposed sale, or the Commissioner may advise the proposed seller of any additional information or further review considered necessary to make such a determination. The Commissioner in considering supervisory objection shall review the policies and financial condition of the selling savings bank and the acquiring financial institution.
 - 2) The selling savings bank and, if applicable, the acquiring financial institution

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

shall submit an appropriate bylaw amendment for the Commissioner's approval.

- b) A savings bank showing justification for termination of operation and the closing of a branch ~~offices~~ office(s) may do so with the prior written approval of the Commissioner. Any request for the closing of any office shall be subject to the publication requirements of Section 1075.715(a) of this Part.
- c) The filing of a request for termination of operation and the closing of a branch ~~offices~~ office(s) shall constitute authority for the Commissioner to seek a successor to assume operation of the branch ~~offices~~ office(s).

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section 1075.1280 Officers and Directors List

The secretary of each holding company shall submit to the Commissioner a list of all officers and directors of the holding company. This list shall be submitted within ~~ten~~ (10) days after the election of the holding company's board of directors, and any changes or additions in the list shall be submitted to the Commissioner within ~~ten~~ (10) days after the occurrence of such change or addition. Along with such list there shall also be submitted an affidavit executed by each officer and director containing a statement which shall set forth details as to the present and, for the ~~five~~ (5) years preceding, the business of every officer and director and the nature of their prior affiliations with any ~~other~~ financial institution and its subsidiaries, holding company or subsidiary of a financial institution holding company.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART L: SUPERVISION

Section 1075.1500 Sale of Offices, Facilities and Equipment

Offices and Facilities

- a) Except the sale of a branch office under Section 1075.740 of this Part, a A savings bank contemplating sale of any office ~~office(s)~~ or facility ~~facilities to another financial institution (depository institution)~~ must provide ~~ninety~~ (90) days notice to the Commissioner of its intent to do so. A copy of a signed letter of intent to purchase must be received by the Commissioner at least ~~thirty~~ (30) days before the closing

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- date of the contemplated sale.
- b) Notice to the Commissioner shall include:
- 1) ~~addresses~~ ~~address(es)~~ of the facilities and offices to be sold;
 - 2) analyses of the accounts, loans and obligations of the facilities' and offices' business;
 - 3) a draft of notifications to be sent to all parties who would be affected by the sale, including depositors, creditors, account holders, and borrowers;
 - 4) notifications must detail names and addresses of the seller and buyer, what business will be transferred to the buyer, if anything shall remain with the seller, when business remaining with the seller will be administered;
 - 5) all final notifications under this Section must be registered mail, certified mail, or personally delivered. A time schedule for notifications must be included; and
 - 6) an analysis of the effect on the selling savings bank's financial condition, including discussion of any accounting issues, and pro forma financial statements for before and after the transaction. Specific discussion must be included about the manner of payment and deviation of pricing.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART N: ACQUISITION OF CONTROL OF SAVINGS BANK

Section 1075.1700 Acquisition of Control of Savings Bank

- a) As used in this Section, the following definitions apply:
- 1) "Affiliate" means any company that controls, is controlled by, or is under common control with a person.
 - 2) "Company" means a corporation, a partnership, an association, a joint stock company, a trust or an unincorporated organization.
 - 3) "Control" means the ability of any person, entity, persons, or entities acting alone or in concert with one or more persons or entities, to own, hold, or direct with power to vote, or to hold proxies representing, 10% or more of the voting shares or rights of a savings bank, savings bank subsidiary, savings bank affiliate, or savings bank holding company; or the ability to achieve in any manner the election or appointment of a majority of the directors of a savings bank. This definition shall not apply to the voting of proxies obtained from depositors if the proxies are voted as directed by a majority of the board of directors of the savings bank or of a committee of directors when the committee's composition and powers may be revoked by a majority vote of the board of directors.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 4) "Person" means an individual, a company or a group acting in concert.
- 5) "Associate", when used to indicate relationship with any person, means:
 - A) any corporation or organization (other than the applicant or a wholly owned subsidiary of the applicant) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his or her immediate family, the beneficial owner of 10% or more of any class of securities;
 - B) any trust or other estate in which the person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity;
 - C) any relative or spouse of such person or any relative of such spouse, who has the same home as such person or who is a director or officer of the savings bank or a related entity; or
 - D) anyone who has an agreement, arrangement, or understanding, with such person, the purpose or effect of which is to enable the person to enter into and consummate any transaction described in subsection (m) ~~below~~ on terms more advantageous than had the transaction been entered into or consummated by a person who was not a party to such agreement, arrangement, or understanding.
- 6) "Savings Bank Holding Company" means any company defined by Section 2001.35 of the Act. ~~which directly or indirectly or through one or more subsidiaries controls a savings bank.~~
- b) It is unlawful for any person to acquire control of a savings bank or related entity unless acquired pursuant to this Section. Any acquisition of control in violation of this Section shall be ineffective and void.
- c) Application to acquire control of a savings bank shall be made to the Commissioner. The application shall be under oath or affirmation, and shall contain substantially all the following information plus any additional information that the Commissioner may prescribe as necessary or appropriate to protect in the particular instance for the ~~protection of~~ depositors, borrowers, ~~or~~ stockholders, creditors, ~~or~~ and the public interest.
 - 1) The identity and banking and business experience of each person by whom or on whose behalf the acquisition is to be made, including, but not limited to, his or her business activities and affiliations during the past 10 ~~ten~~ years, and a description of any pending legal or administrative proceedings in which he or she is a party and any criminal indictment or any conviction of such person by any state or federal court.
 - 2) If not entirely described in subsection (c)(1) ~~above~~, for each person by whom or on whose behalf the acquisition is to be made, any past (for the past 10 ~~ten~~ years), present or proposed affiliation with an insured depository institution

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- including, but not limited to, any past, present or proposed employment and all affiliation or connection of the kind described under the definition of "affiliated person of a savings bank or insured institution" as defined in this Section.
- 3) A statement of the assets and liabilities, including contingent liabilities, of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the 5 ~~five~~ years immediately preceding the date of the notice; including statements of income, and source and application of funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied; and an interim statement of the assets and liabilities, including contingent liabilities, for each such person, including related statements of income, and source and application of funds, as of a date not more than 90 days before the date of the filing of the notice.
 - 4) The terms of the proposed acquisition and the manner in which the acquisition is to be made.
 - 5) The identity, source and amount of the funds or other consideration used, or to be used, in making the acquisition. If any part of these funds or other consideration has been or is to be borrowed or otherwise obtained to make the acquisition, a description of the transaction, the names of the parties, and any arrangements, agreements, or understandings with such persons.
 - 6) Any plans or proposals which any acquiring party may have to liquidate the bank, to sell its assets or merge it with any company or to make any other major change in its business or corporate structure or management.
 - 7) The identity of any person employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders to assist in the acquisition, and a brief description of the terms of such employment, retainer, or arrangement for compensation.
 - 8) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.
 - 9) In lieu of the application and information required by subsection (c)(1) through (8), the Commissioner may accept a certified true and accurate copy of notice or application filed with the federal depository institution regulator for the purpose of gaining approval of the proposed change in control or acquisition transaction; provided that the federal application or notice is filed in compliance with the 60 day notice period prescribed by Section 8015 of the Act. Nothing in this subsection (c)(9) precludes the Commissioner from requiring the applicant to file additional information as permitted by this Section.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- d) When a person, other than an individual or corporation, is required to file an application under this Section, the Commissioner may require that the information required by subsections (c)(1), (2), (3), and (7) ~~above~~ be given with respect to each person, as defined in subsection (a)(3) ~~above~~, who has an interest in or controls a person filing an application under this subsection.
- e) When a corporation is required to file an application under this Section, the Commissioner may require that information required by subsections (c)(1), (2), (3), and (7) ~~above~~ be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of 25 percent or more of the outstanding voting securities of the corporation.
- f) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by a registration statement under the Securities Act of 1933 (15 USC U.S.C. 77a et seq.), or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (15 USC U.S.C. 78a et seq.), the registration statement or application may be filed with the Commissioner instead of the requirements of this Section.
- g) Any acquiring party shall deliver a copy of any notice or application required by this Section to the savings bank proposed to be acquired within two days after such notice or application is filed with the Commissioner.
- h) Any person who willfully or intentionally violates this Section is subject to Section 11006(1) of the Act. Each day's violation shall be considered a separate violation. This subsection in no way limits investigation, examination, prosecution, conviction, levying of fines, or any other legal action or remedy carried out pursuant to any other applicable states or federal law.
- i) The Commissioner may disapprove the acquisition of a savings bank ~~within 45 days~~ after the filing of a complete application if:
- 1) The poor financial condition of any acquiring party may adversely affect ~~might jeopardize~~ the financial stability of the savings bank or may adversely affect ~~might prejudice~~ the interest of depositors, borrowers, creditors, or stockholders;
 - 2) The plan or proposal of the acquiring party to liquidate the savings bank, to sell its assets, to merge it with any person, or to make any other major change in its business, ~~or~~ corporate structure, or management may adversely affect the financial stability of the savings bank, is not fair and reasonable to its depositors, borrowers, creditors, or stockholders or is not otherwise in the public interest;
 - 3) Insufficient ~~The~~ banking and business experience or a lack of competence or ~~and~~ integrity of any acquiring party may adversely affect the savings bank or ~~would not be in the best interest of~~ the savings bank's depositors, borrowers, creditors, or stockholders;
 - 4) The information provided by the application is insufficient for the

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

Commissioner to determine whether the acquisition should be approved or the Commissioner is unable ~~there has been insufficient time~~ to verify the information provided or to examine ~~and conduct an examination~~ of the qualifications of the acquiring party; or

- 5) The acquisition is not otherwise ~~would not be~~ in the public interest.
- ~~j)~~ ~~An acquisition may be made before expiration of the disapproval period if the Commissioner issues written notice of intent not to disapprove the action.~~
- ~~jk)~~ The Commissioner shall set forth the basis for disapproval of any proposed acquisition in writing and shall provide a copy of the ~~such~~ findings and order to the applicants and to the bank involved. The ~~Such~~ findings and order shall not be disclosed to any other party and shall not be subject to public disclosure unless the findings or order are appealed and subject to hearing.
- ~~kl)~~ Whenever ~~such~~ a change in control occurs, each party to the transaction shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next 12 ~~twelve~~-month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officers or directors.
- ~~lm)~~ For a period of 10 years following the acquisition of control by any person, neither the ~~such~~ acquiring party nor any associate or affiliate of the acquiring party or the acquired savings bank shall receive any loan or the use of any of the funds of, nor purchase, lease, or otherwise receive any property from, nor receive any consideration from the sale, lease, or any other conveyance of property to, any savings bank in which the acquiring party has control; except that:
- 1) the provisions of this subsection (l) shall not apply to transactions permitted under Sections 22(g), 22(h), 23A or 23B of the Federal Reserve Act (12 USC U.S.C. Sections 375a, 375b, 371c and 371c-1), or transactions with any person (including such person's affiliates and associates) after the person ceases to be in control of the savings bank, or ceases to be an affiliate or associate of a person in control of a savings bank; and
 - 2) upon application by any acquiring party or associate or affiliate or affiliated person of a savings bank or insured institution subject to this subsection (l), the Commissioner may approve a transaction between a savings bank and the ~~such~~ acquiring party, person, or associate or affiliate or affiliated person of a savings bank or insured institution, upon finding that the terms of the transaction are at least as advantageous to the savings bank as the savings bank would obtain in a comparable transaction with any person that is not an acquiring party or an associate or affiliate of the acquiring party ~~thereof~~.
- ~~mn)~~ To enable any person to purchase any or all shares of its capital stock, no savings bank shall make a loan to, pledge or otherwise transfer any of its assets as security for a loan to such person or to any associate or affiliate or affiliated person of a savings

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

bank or insured institution, or except as otherwise permitted in this subsection, pay any dividends to any such person or associate or affiliate or affiliated person of a savings bank or insured institution except upon a finding by the Commissioner that such ~~transactions are~~ ~~transaction(s) is~~ fair to stockholders, depositors, borrowers, and creditors and does not otherwise violate any provision of the Act. Nothing in this Section shall prohibit a dividend among shareholders in proportion to their shareholdings.

- ~~o) Filing with the Commissioner of a copy of notice filed pursuant to the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) and the Rules under the Federal Deposit Insurance Corporation (12 CFR 303.4) or pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 Note et seq.), Federal Reserve Board Regulations for Bank Holding Companies, (12 CFR 225.41 et seq.) or pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) and the Regulations for Acquisition of Control of Savings Associations (12 CFR 574.1 et seq.).~~
- np) The accuracy and completeness of any information submitted by the applicants ~~applicant(s)~~ may be determined by the Commissioner pursuant to the Commissioner's examination authority.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section 1075.2170 Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank - Undercapitalized Mutual Savings Bank

- a) A mutual savings bank not meeting an applicable capital requirement as of the end of the most recent period for which the ~~such~~ savings bank has prepared audited financial statements, may seek approval to convert to stock form pursuant to a plan of conversion that ~~which~~ provides for the sale of its capital stock directly to acquirors, ~~an acquirer(s)~~ who may be a person, company, depository institution, holding company, who will be in control of such savings bank upon the purchase of such capital stock. If in accordance with applicable laws and regulations, the conversion may result in the converting savings bank being merged into or consolidated with an existing or newly created depository institution.
- b) The provisions of this Section shall govern a conversion authorized by subsection (a) ~~above~~. All other Sections of this Subpart shall not apply to the conversion unless provided in the plan of conversion adopted by the board of directors of the converting savings bank or required by the Commissioner.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- c) A majority of the converting savings bank board of directors must adopt a plan of conversion that complies with this Section. The members of the association have no rights or approval or participation in a conversion under this Section or to the continuance of any legal or beneficial ownership interests in the converted savings bank, unless otherwise provided by the Commissioner. The members shall have an interest in a liquidation account established pursuant to Section 1075.1940 of this Subpart if one is established pursuant to subsection (h) ~~below~~.
- d) In connection with approval under this Section, the Commissioner may impose conditions and restrictions on the converting or resulting institution, the acquiror, and controlling parties, directors and officers of either, to prevent unsafe and unsound practices, to protect the deposit insurance fund and the public interest, and to prevent potential injury or detriment to the converting or resulting institution.
- e) The Commissioner may deny savings bank's conversion if she or he determines that the converting or resulting institution, the acquiror, or controlling parties or directors or officers of either, have engaged in unsafe or unsound practices in connection with the conversion, or that the conversion is detrimental to or would cause potential injury to the converting or resulting institution, deposit insurance funds, or is contrary to the public interest.
- f) For 3 ~~three~~ years following the date of completion of a conversion under this Section, neither any controlling shareholder nor the resulting institution may acquire shares from minority shareholders without prior approval of the Commissioner.
- g) An application for conversion under this Section shall, at a minimum, include:
 - 1) A plan of conversion adopted by a majority of the directors of the savings bank, which shall contain at a minimum the name and address of the savings bank; the names, addresses, dates and places of birth, and social security numbers of the proposed purchasers of conversion stock and their relationship to the savings bank; the title, per-unit par value, number, and per-unit and aggregate offering price of shares of conversion stock to be authorized and issued; the number and percentage of shares of conversion stock to be purchased by each investor, the aggregate number and percentage of shares of conversion stock to be purchased by directors, officers and their affiliates and associates; a description of the liquidation account, if required under subsection (h) ~~below~~, or if otherwise established; and certified copies of all resolutions of the board of directors relating to the plan of conversion;
 - 2) A copy of any agreements between the savings bank and the proposed conversion stock purchasers;
 - 3) An opinion of qualified, independent counsel or an independent, certified public accountant regarding the tax consequences to the savings bank arising from the conversion;
 - 4) A business plan, which shall contain a description of the proposed operating

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

policies of the savings bank or the resulting savings bank following the conversion, including a statement as to how the conversion proceeds will be used, and a projection of the savings bank's results of operations for the ~~3~~ three-year period following completion of the conversion. The projections should show the continuing ability of the converted savings bank to meet applicable capital requirements. The savings bank shall specify the assumptions on which its projections are based;

- 5) An application under Section 1075.1700 of Subpart N of this Part;
- 6) The proposed charter and bylaws of the converted savings bank;
- 7) The proposed stock certificate form;
- 8) A description of all existing and proposed employment contracts, if applicable;
- 9) All findings required under the securities offering rules of this Subpart;
- 10) Applications for permission to organize a stock savings bank and for approval of a merger, if applicable, and FDIC insurance of accounts, if applicable;
- 11) Information to support the value of any non-cash assets to be contributed to the savings bank in connection with the conversion, if applicable. Appraisals submitted in this connection must be acceptable to the Commissioner;
- 12) A description of the estimated expenses of the conversion to the savings bank;
- 13) The savings bank's most recent audited financial statements with an appropriate explanation to support the determination that the savings bank's current capital levels qualify it to undertake a supervisory conversion;
- 14) "Pro forma" financial statements to reflect the effects of the transaction. These pro forma financial statements should be supplemented to identify the converting or resulting capital levels and show the appropriate adjustments necessary to compute such capital levels;
- 15) A specific description of any of the features of the savings bank's application that do not conform to the requirements of this Subpart;
- 16) A specific description of and detailed justification for any waivers or supervisory forbearances that are requested as part of the conversion;
- 17) A statement of all other applications required pursuant to federal law for all transactions related to the savings bank's conversion, copies of all decisions, orders, opinions, and other similar dispositive documents issued by regulatory authorities relating to such applications, and, if requested, copies of such applications and related documents; and
- 18) Opinion of financial advisor:
 - A) The savings bank shall be required to retain a reputable financial advisor with expertise in valuing depository ~~financial~~ institutions to advise it as to the fairness or the consideration to be paid by the proposed acquiror. The financial advisor shall furnish a written opinion specifically informing the converting savings bank as to the fairness from a financial

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- point of view to the converting savings bank of the proposed consideration.
- B) Such written opinion shall specifically disclose in reasonable detail:
 - i) the professional standards employed by the financial advisor in arriving at its conclusions; and
 - ii) the factual basis upon which such conclusions were reached.
 - C) The opinion shall specifically state whether the financial advisor, in arriving at his or her conclusions as to the fairness of the proposed consideration, has made efforts to determine whether, in his or her judgement, there is the reasonable significant probability that financially able purchasers of the character generally capable of securing regulatory approval other than the proposed acquiror, given an opportunity, might have made good faith offers to purchase control of the converting savings bank for a consideration materially greater than that proposed to be paid by the proposed acquiror, and has compared the consideration to be paid by the proposed acquiror with the consideration paid in the purchase of other savings banks or savings and loan associations of comparable size, market area, profit history, competitive conditions and projected future earnings.
 - D) If the financial advisor has made any such efforts or any such comparisons, the nature and scope of such efforts and comparisons shall be discussed in detail. The written opinion shall state whether and on what basis the financial advisor believes that the consideration to be paid by the proposed acquiror exceeds the aggregate amount of net proceeds which the converting savings bank could have realized if the capital stock to be sold to the proposed acquiror had been sold in a subscription offering followed by an underwritten public offering. The written opinion shall be delivered to the Commissioner before any approval of the application for conversion will be granted by the Commissioner.
- h) A liquidation account must be established in accordance with Section 1075.1940 of the Subpart; however, the Commissioner may waive this requirement upon a written finding that the savings bank's net worth is or less than zero, or for other good cause upon a written finding that specifies the existence of such good cause.
 - i) No solicitation of proxies in connection with a conversion pursuant to this Section shall be made unless the person so solicited is concurrently furnished with or has been previously furnished with a proxy statement or a short-form proxy statement complying with this Subpart. If the persons to whom capital stock is offered or sold pursuant to a conversion effected in compliance with this Section shall exceed 20 in number, each of such persons shall be furnished with an offering circular complying with this Subpart before the consummation of any such sale.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- j) Upon the Commissioner's approval of the plan of conversion, the mutual savings bank charter shall be surrendered to the Commissioner and a stock charter issued by the Commissioner.
- k) The corporate existence of a mutual savings bank converting to stock savings bank shall not terminate and shall be considered to be a continuation of the savings bank so converted.
- l) The Commissioner's approval of a conversion under this Section shall be conditioned upon the following:
 - 1) Completion of the sale of conversion stock within 3 ~~three~~ months after the Commissioner approves the application, or within such additional period as the Commissioner may for good cause grant;
 - 2) Compliance with all filing requirements of this Subpart, subject to subsection (b) ~~above~~; and
 - 3) Satisfaction of any other requirements or conditions the Commissioner may impose.

(Source: Amended at 26 Ill. Reg. 13483, effective Sep 13, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
113.257	Amendment
113.263	New Section
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, 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 Illinois Register: May 31, 2002 (26 Ill. Reg. 7815)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 1) 11) Differences between proposal and final version: No substantive changes have been made in the text of the proposed amendments.
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: These amendments revise the service animal provisions. This change is being made to acknowledge the variety of uses for trained service animals for aged, blind and disabled individuals. As a result of these amendments, the allowance for food for trained service animals is no longer restricted to guide dogs for the blind.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
Fax: (217) 557-1547

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application
And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After
08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter
- 113.249 Utilities and Heating Fuel
- 113.250 Laundry
- 113.251 Telephone
- 113.252 Transportation, Lunches, Special Fees
- 113.253 Allowances for Increase in SSI Benefits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care/Personal or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
<u>113.263</u>	<u>Service Animals</u>

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program
113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)
113.420	Financial Factors of Eligibility (Repealed)
113.425	Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435	Medical Eligibility (Repealed)
113.440	Attorney's Fees for SSI Applicants (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States
(Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective Sep 3, 2002.

SUBPART D: PAYMENT AMOUNTS

Section 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)

Payment shall be made for reading or guide service for recreation (\$1.05 per month); repair of braille writers, radios or typewriter (most economical rate); ~~food for a trained guide dog (\$8.71 to \$13.07 per month, depending on the size of the dog);~~ and allowance for attendance at the Illinois Visually Handicapped Institute. (\$21.00 per month for additional clothing and personal essentials for months the client is in attendance).

(Source: Amended at 26 Ill. Reg. 13521, effective Sep 3, 2002)

Section 113.263 Service Animals

An allowance for food for a trained service animal (\$13.07) shall be provided when the animal is needed to assist with activities of daily living and to maintain independent functioning in the community.

(Source: Added at 26 Ill. Reg. 13521, effective Sep 3, 2001)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.162	Amendment
121.163	New Section
121.164	Repealed
121.165	Repealed
121.167	New Section
121.170	Amendment
121.172	Amendment
121.174	Amendment
121.176	Amendment
121.177	Repealed
121.178	Repealed
121.179	Repealed
121.182	Amendment
121.184	Amendment
121.186	Amendment
121.188	Amendment
121.190	Amendment
121.220	Repealed
121.221	Repealed
121.222	Repealed
121.223	Repealed
121.224	Repealed
121.225	Repealed
121.226	Repealed
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, 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 Illinois Register: May 31, 2002 (26 Ill. Reg. 7824)
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
The following changes were made in the text of the proposed amendments:
1. In Section 121.167(b), "they are" was changed to "the contractor is".
 2. In Section 121.172(b)(3), "Work" was changed to "Workforce" and "(29 USC 2801 et seq.)" was inserted after "(WIA)".
 3. In Section 121.172(c)(2), "(see Section 121.186)" was inserted after "cause".
 4. In Section 121.186(b)(1), "with FSE&T requirements" was inserted after "comply".
 5. In Section 121.190(a), "or Non Custodial Parent (NCP) Earnfare" was deleted.
 6. In Section 121.190(d), "may" was changed to "will" and "with FSE&T requirements" was added after "complied".
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.20	Amendment	26 Ill. Reg. 11706
121.26	Amendment	26 Ill. Reg. 9563
121.59	Amendment	26 Ill. Reg. 11706
121.63	Amendment	26 Ill. Reg. 11706
121.151	Amendment	26 Ill. Reg. 9563

- 15) Summary and Purpose of Amendment: The Department received a waiver from the Food and Nutrition Service to revise the Food Stamp Employment and Training Program. This rulemaking revises the Food Stamp Employment and Training Program.

Information and questions regarding these adopted amendments shall be directed to:

Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
Fax: (217) 557-1547

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
- 121.97 Supplemental Payments
- 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 Persons Required to Participate
- 121.162 ~~Program Participation and Cooperation~~ Requirements
- 121.163 Vocational Training
- 121.164 Orientation (Repealed)
- 121.165 Community Work
- 121.166 Assessment and Employability Plan (Repealed)
- 121.167 Counseling/Prevention Services
- 121.170 Job Search ~~Activity Component~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

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

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. _13530____, effective September 3, 2002.

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.162 Program Participation and Cooperation Requirements

- a) Local office staff are to advise nonexempt individuals of Food Stamp Employment and Training (FSE&T) requirements at application or whenever an exempt individual becomes nonexempt. The local office shall explain the assessment process and Employability Plan; available programs and activity requirements; support services; what qualifies as an acceptable employer contact and a "good faith" effort for making a job contact; exemption criteria; Earnfare payments; maximum Earnfare payment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- amounts if program is available; FS sanction; Transitional Assistance sanction; good cause; and conciliation.
- All nonexempt individuals must comply with the following requirements:
- 1) FSE&T activities such as Assessment, Employability Plan (EP) Development, and all component activities;
 - 2) respond to job referrals;
 - 3) accept a bona fide offer of suitable employment;
 - 4) continue employment;
 - 5) not voluntarily reduce earnings; and
 - 6) register with and appear for interviews through DES.
- b) The Department shall make an assessment of all nonexempt individual's employability. In order to assign an individual to the appropriate activity, information shall be collected on background, educational level, literacy, job training, work history, factors affecting employment and supportive services. The Department shall complete an assessment of employability whenever a nonexempt individual's request for food stamps is approved; an exempt individual becomes nonexempt; or an exempt individual volunteers for FSE&T; any time it is necessary to determine the individual's suitability for a different activity, before assignment to a different activity; and upon the individual's request.
- 1) The individual will be assigned to the appropriate activity based on the assessment and the eligibility criteria for each FSE&T activity. The Department shall explain activity-specific requirements.
 - 2) Individuals will be referred to the Department of Employment Security (DES) if they are not already registered with DES. If an individual fails, without good cause, to register with DES as a condition of the assessment process, sanction procedures will be started.
- c) The local office and the individual shall establish a written Employability Plan (EP) based on the information obtained during the assessment. The plan will contain the specific employment goals; the FSE&T activity assignment; the supportive services that must be provided or arranged in order to help the individual take part in the activity and obtain the employment goals; a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of the specific arrangements and services provided.
- d) After assessment, individuals in FSE&T shall take part in one or more of the following activities:
- 1) Basic Education;
 - 2) Vocational Training;
 - 3) Job Readiness;
 - 4) Job Search;
 - 5) Work Experience;
 - 6) Earnfare;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

7) Community Work.

- a) ~~To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. Individuals who are not Food Stamp Assistance recipients may be ordered by a court of competent jurisdiction to participate in the Earnfare component if they are non-custodial parents of TANF children. The individual will be given the participation requirements, in writing, for each component to which the individual is assigned. These components include:~~
- ~~1) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court ordered to participate;~~
 - ~~2) Work Experience (see Section 121.176);~~
 - ~~3) Job Training (see Section 121.178);~~
 - ~~4) Basic Education (see Section 121.172);~~
 - ~~5) Job Search (see Section 121.170);~~
 - ~~6) Job Readiness (see Section 121.174);~~
 - ~~7) Illinois Works (see Section 121.177); and~~
 - ~~8) JTPA Employability Services (see Section 121.179).~~
- b) ~~An individual is required to participate in the Food Stamp Employment and Training program by:~~
- ~~1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.~~
 - ~~2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.~~
 - ~~A) Ten of the 20 required contacts must be either:
 - ~~i) the completion and return of an application; or~~
 - ~~ii) a face to face interview with an employer.~~~~
 - ~~B) The remaining ten contacts may be any combination of the following:
 - ~~i) the completion and return of an application;~~
 - ~~ii) a face to face interview with an employer;~~
 - ~~iii) the completion of a civil service test required for employment~~~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- with the State, Local, or Federal Government;
- ~~iv) — the completion of a Job Service screening test;~~
 - ~~v) — the mailing of a resume with a cover letter to an employer;~~
 - ~~vi) — for union members in good standing, reporting to the union hall;~~
 - ~~vii) — reporting to a day labor hall; or~~
 - ~~viii) reporting for temporary office service.~~
- ~~C) — Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.~~
- ~~D) — No individual shall be sanctioned and/or have Food Stamps disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:~~
- ~~i) — the individual appears for a scheduled interview and the employer misses the appointment;~~
 - ~~ii) — the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;~~
 - ~~iii) — the individual fails a civil service or other employment screening test;~~
 - ~~iv) — the individual completes an application which is not accepted by the employer; and~~
 - ~~v) — the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.~~
- ~~3) — Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).~~
- ~~4) — Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.~~
- ~~A) — A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and~~
- B) ~~Suitable employment must meet the following requirements:~~
- ~~i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;~~
 - ~~ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;~~
 - ~~iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the federal nor State minimum wage is applicable);~~
 - ~~iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;~~
 - ~~v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;~~
 - ~~vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and~~
 - ~~vii) the mandatory registrant is physically and mentally competent to perform the work.~~
- 5) ~~Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.~~
- e) ~~Food Stamp Employment and Training participants who are employed must:~~
- ~~1) continue their employment; and~~
 - ~~2) not reduce their employment (for example, voluntarily reduce work hours).~~
- d) ~~Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section, without good cause (see Section 121.186), will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.~~

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.163 Vocational Training

- a) Individuals who will benefit from short-term training to obtain unsubsidized employment shall be assigned to the Vocational Training activity. An individual may participate for a minimum of 20 hours a month, unless he or she is participating in Vocational Training as part of his or her Earnfare assignment. The individual must participate for 80 hours per month if it is part of his or her Earnfare assignment. This activity offers special time-limited services for an individual who:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) can benefit from short-term vocational training (e.g., an individual with the interest and ability to complete the training program and be hired in a position for which the individual has trained); or
- 2) is readily employable with the addition of short-term training (i.e., a training program for specific job openings that are available).
- b) In the Vocational Training activity the individual must have satisfactory attendance and progress as defined by the training provider.
 - 1) Failure of an individual to attend the Vocational Training activity three days in a 30-day period, without good cause, will result in a sanction.
 - 2) The individual must provide written proof each month of attendance and progress.
- c) If no slots are available, the individual will be required to take part in another component while waiting for a Vocational Training slot to open.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.164 Orientation (Repealed)

- a) ~~The Department and/or entities operating components under contract, cooperative agreement or intergovernmental agreement shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:~~
 - 1) ~~the fact of the individual's registration;~~
 - 2) ~~the right to request an exemption;~~
 - 3) ~~a complete description of all available exemptions;~~
 - 4) ~~the date and time of the meeting;~~
 - 5) ~~a description of the program and the purpose of the meeting;~~
 - 6) ~~the consequences of failing to attend;~~
 - 7) ~~the right to reschedule the appointment with good cause;~~
 - 8) ~~the right to request transportation services to attend; and~~
 - 9) ~~the printed name of the worker to contact for such purposes.~~
- b) ~~In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program, including Earnfare, Illinois Works and JTPA Employability Services. The orientation shall include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:~~
 - 1) ~~an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~2) the exemption criteria listed in Section 121.160(b);~~
 - ~~3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;~~
 - ~~4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(e);~~
 - ~~5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(e)(2) and 121.170;~~
 - ~~6) the Job Search allowance and the other supportive services identified in Section 121.188;~~
 - ~~7) information on what constitutes an acceptable employer contact;~~
 - ~~8) the assessment process and employability plan as described in Section 121.166; and~~
 - ~~9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.~~
- ~~c) When providing an orientation to individuals eligible for Earnfare, the orientation meeting shall include an explanation of participation requirements, the maximum Earnfare payment amount and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.~~
- ~~d) Nonexempt registrants must attend all scheduled orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).~~
- ~~1) If an individual fails to attend an orientation meeting, without good cause (see Section 121.186), Transitional Assistance will be sanctioned and/or Food Stamp Assistance shall be discontinued.~~
 - ~~2) If the nonexempt registrant fails to attend an orientation meeting but has good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the nonexempt registrant shall be reimbursed for any Transitional Assistance lost.~~
 - ~~3) Transitional Assistance and/or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting, provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance. Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.~~
 - ~~4) The Department shall attempt to schedule the orientation meeting on the day that the nonexempt registrant agrees to attend such orientation, or as soon~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

thereafter as possible.

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.165 Community Work

- a) Community Work includes unpaid work an individual performs at a public or not for profit organization, such as a school, church, or a government agency. The individual chooses and arranges his or her own placement, with input from the worker. Community Work provides the individual with employment skills and references that can help him or her get a job.
- b) An individual participating in Community Work works up to 20 hours per month, based on the amount of food stamps received. An individual who participates in Community Work for the number of hours required meets the work requirement for food stamps.

(Source: Added at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.166 Assessment and Employability Plan (Repealed)

- a) ~~Assessment and Employability Plan~~
 - 1) ~~All individuals shall undergo an assessment to develop an employability plan.~~
 - 2) ~~The assessment shall include collection of information, to the extent it is readily provided by the client, on the individual's background, age, literacy, education achievement level, job training and work experience as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitations, recent institutionalization, family problems). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, the individual and Department staff or provider shall work together to establish the employability plan and to identify any supportive service needs required to enable the individual to participate in employment and training and meet the objectives of his or her employability plan (see subsection (b) of this Section). If during assessment an individual is identified as "not employable", the individual will be referred to apply for Transitional Assistance and for a determination of "not employable" status.~~
 - 3) ~~The employability plan shall contain at least the following:~~
 - A) ~~the employment related objective;~~
 - B) ~~the Food Stamp Employment and Training component placement;~~
 - C) ~~the supportive services that must be provided or arranged; and~~
 - D) ~~a statement that the supportive services have been provided by the~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~Department or otherwise arranged, including an explanation of specific arrangements and services provided.~~

- b) ~~The assessment shall take place at least at the following times:~~
- ~~1) within ten working days after the date the program orientation is provided to the individual;~~
 - ~~2) at any time to determine the individual's suitability for a different component (see Section 121.170 through 121.182);~~
 - ~~3) prior to the assignment to a different component; or~~
 - ~~4) upon the request of the individual, if the individual is failing to make satisfactory progress in a component or thinks the component is not appropriate.~~
- c) ~~When the assessment is conducted by the Department, the individual will be notified, in writing, of the assessment meeting. The notice shall include the following information:~~
- ~~1) the date and time of the interview;~~
 - ~~2) a description of the purpose of the interview;~~
 - ~~3) the consequences of failing to attend;~~
 - ~~4) the right to reschedule for good cause (see Section 121.186); and~~
 - ~~5) the address, telephone number and printed name of the person to contact for such purposes.~~
- d) ~~Based on the assessment and the eligibility criteria for each Food Stamp Employment and Training component, an individual will be assigned a component or components and receive component specific participation requirements (see Sections 121.170 through 121.182).~~
- ~~1) If an individual fails to appear for an assessment interview or to comply with the assessment process, without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued for the assistance unit.~~
 - ~~2) If an individual has good cause (see Section 121.186) for failing to appear for an assessment interview or to comply with the assessment process, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the individual shall be reimbursed for any Transitional Assistance lost.~~
 - ~~3) Transitional Assistance and/or Food Stamp Assistance which has been discontinued because of failure to participate/cooperate in the assessment process shall be reinstated if the individual agrees to undergo an assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective. If the date of agreement falls after the last day of the fiscal month for which the discontinuation would be effective, reinstatement shall be effective upon cooperation.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~The Department shall attempt to schedule the assessment interview on the same day that the individual agrees to cooperate with the assessment or as soon thereafter as possible.~~
- e) ~~The individual shall be notified, in writing, of the discontinuance of Transitional Assistance and/or Food Stamp Assistance, due to failure to comply with this Section or Section 121.162(e). The notice shall state, with specificity, the action being taken and the reasons for the action, the acts constituting the noncompliance and the date of such acts. The notice shall also state the right to be restored to Transitional Assistance, without loss of benefits, upon completion of the conditions stated in this Section and Section 121.162(e).~~
- f) ~~Food Stamp Employment and Training program participation shall not be required in the event that supportive services or other resources identified in the employability plan are needed for effective participation but are unavailable from the Department or from some reasonably available source.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.167 Counseling/Prevention Services

- a) An individual in need of Counseling/Prevention Services may be assigned 2 to 4 hours per week as part of an approved FSE&T activity to which the individual has been assigned.
- b) The services may be provided by the contractor, if the contractor is licensed through the appropriate entity. The services must be paid from the contractor's earned administrative rate or provided free by another licensed provider. The service provided cannot include treatment. The hours for these counseling and prevention services are countable within the approved FSE&T activity to which the individual has been assigned.

(Source: Added at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.170 Job Search Activity Component

- a) Individuals assigned to the Job Search (JS) Activity Component, based upon the employability plan, must attend all scheduled meetings, including ~~pre-arranged~~ Job Skills Workshops ~~conducted by other than Food Stamp Employment and Training staff~~. The individual will be notified, in writing, of all scheduled meetings. The failure of an individual to appear for scheduled meetings, without good cause, will constitute noncooperation.
- b) Individuals who fail to cooperate in Job Search, without good cause, shall be subject to a financial sanction and/or food stamp disqualification as explained in Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.184.

- c) The individual is required to actively contact employers in his or her efforts to secure employment (nonexempt registrants are required to make 20 acceptable employer contacts every 30 days). No individual shall receive a financial sanction and/or a food stamp disqualification for failure to make the appropriate number of job contacts, if the individual has made a good faith effort to make the job contacts (~~see Section 121.162(b)(2)).~~
- d) ~~Individuals may be assigned to Job Search for a maximum of eight weeks within a 12 consecutive month period.~~

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.172 Basic Education Activity ~~Component~~

- a) In the Basic Education ~~activity Component~~, Food Stamp Employment and Training staff provide information, referral, counseling services and supportive services to individuals to increase their employment potential and to remove significant barriers to employment. Individuals may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs ~~that which~~ sponsor such activities, ~~such as Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS).~~
- b) Eligibility Criteria. Approval of education and training plans is based upon the Department's assessment of the following factors:
 - 1) The program selected will lead to unsubsidized employment, taking into consideration the time required to complete, and the over-all cost and quality of the program;
 - 2) An individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);
 - 3) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or funded by the Workforce Investment Act (WIA) (29 USC 2801 et seq.) ~~be a Job Training Partnership Act (JTPA) funded program;~~
 - 4) An individual must apply for the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarships or grants identified by the education or training facility for which an individual may be eligible; ~~Such funds shall be exempt from consideration as income to the extent they are used to pay educational expenses, such as books, tuition and fees, provided the individual is participating under an approved Food Stamp Employment and Training education and training plan;~~
 - 5) An individual does not possess a high school diploma or a GED certificate;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 6) An individual must participate for a minimum of 20 hours per month unless participating as part of an Earnfare work program. ~~in a full-time program as defined by the educational program unless:~~
- A) ~~a full-time program is not available (for example, a full-time GED program is not available); or~~
 - B) ~~a part-time program is the most appropriate, as determined by the Food Stamp Employment and Training program.~~
- ~~e)~~ ~~Entry into the Component.~~ ~~The assignment into the Basic Education Component results from the joint employability plan developed by the individual and the Food Stamp Employment and Training worker (see Section 121.166).~~
- ~~c)~~d) Participation Requirements
- 1) An individual must maintain a level of satisfactory progress as established and reported by the educational facility.
 - 2) Failure of an individual to attend training or education classes three times in a 30-day period, without good cause (see Section 121.186), shall result in a financial sanction ~~and/or food stamp disqualification~~ (see Section 121.184). Failure to participate, without good cause, in classes as defined by the education or training facility shall result in a financial sanction ~~and/or food stamp disqualification~~ (see Section 121.184).
 - 3) Curriculum changes can be made only with the prior written approval of local office staff ~~the Food Stamp Employment and Training worker~~. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.
 - 4) An individual must provide monthly verification of attendance and progress (for example, statements signed by the instructor, educational records and reports prepared at the end of the term).
- ~~d)~~e) ~~Contact with Individuals.~~ An individual is to contact the local office ~~Food Stamp Employment and Training~~ worker on a monthly basis if the supportive service payments identified in Section 121.188 are being issued.
- ~~e)~~f) Availability of Slots. If the Department determines the individual should be in the Basic Education activity Component, but there are no appropriate slots available, the individual may be assigned to another appropriate activity component while waiting for an appropriate Basic Education slot to become available.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.174 Job Readiness Activity Component

- a) An individual who has not found employment and who needs to learn the necessary essentials to obtain and maintain employment may be referred to the Job Readiness activity Component. The Job Readiness activity Component helps an individual gain

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

necessary job-finding skills to help find and retain employment. ~~b) Eligibility Criteria 1) The Job Readiness Component is appropriate for an individual who requires assistance to perfect job finding techniques and improve interview skills needed to obtain and to retain employment. 2) Job Readiness activities, may be combined with other component activities, if determined appropriate.~~

b)e) Participation Requirements

- 1) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based upon the individual's circumstances.
- 2) The individual must attend all scheduled classes or sessions. The individual must make satisfactory progress based upon the written policy of the Job Readiness Provider. ~~If there is a Job Search Component in the program, the~~
- 3) The individual must make a good faith effort to complete up to eight acceptable employer contacts in a 30-day period when required.
- 4) The individual must respond to job referrals, accept suitable employment, and respond to call-in notices for interviews.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.176 Work Experience Activity Component

- a) An individual is assigned to who needs orientation to work, work experience to obtain work skills or to maintain, or training in order to prevent deterioration of skills or to enhance existing skills, may be referred to the Work Experience Component. This is to provide the individual with a meaningful experience in the world of work. The Work Experience Sponsor shall not use Work Experience nonexempt registrants to displace regular employees.
- b) ~~Eligibility Criteria. The Work Experience Component is appropriate for nonexempt registrants determined:~~
 - 1) ~~to have no recent work history or employer references taking into consideration such factors as the nonexempt registrant's educational background and previous training; or~~
 - 2) ~~to need experience to prevent deterioration of skills, or to enhance existing skills (for example, typing).~~
- b)e) Entry into the Work Experience Activity Component
 - 1) An individual who is determined eligible for the Work Experience activity Component, based on an assessment of education, training and employment history, may be assigned to the Work Experience activity Component. ~~The assessment includes a review of all available information on the individual (including, but not limited to, an individual's case record).~~
 - 2) Individuals shall be placed in a Work Experience assignment Assignment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate Work Experience ~~assignment~~ Assignment taking into consideration such factors as an individual's work history and the needs of the employer ~~sponsor~~.

~~c)~~ Participation Requirements

- 1) ~~The individual works up to 20 hours per month based on the amount of food stamp benefits received. A work assignment consists of three consecutive months. An individual is required to work with community based not for profit, private or government agencies and with public or private education and vocational training institutions. (The date an individual is to appear at the work assignment begins the work assignment period.) An individual is required to work not more than the number of hours that correspond with his or her level of Transitional Assistance grant and/or Food Stamp benefits, divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month. If an individual is also a member of a Food Stamp household consisting of more than one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment.~~
 - 2) An individual is required to accept bona fide offers of employment pursuant to Section 121.162(b)(4).
 - 3) An individual is also required to report, as scheduled and on time, to the Work Experience Employer ~~Assignment Sponsor~~ when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he or she is to immediately notify the Work Experience Employer ~~Assignment Sponsor~~.
 - 4) Failure to report to the work job assignment initially, without good cause, or failure to attend the work assignment one day in a 30-day period, without good cause, shall result in a ~~financial sanction and/or food stamp disqualification~~.
 - 5) During participation in this activity, an individual may take part in education and training.
- ~~e) Job Search. During work assignment, an individual who is not in an approved education and training program is required to make eight acceptable employer contacts in a 30 day period. Failure to make the required employer contacts, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.162(b)(2)).~~
- ~~f) Assessment. At the end of the three month period, an individual's employability will be evaluated using the procedures and criteria described in Section 121.166. If continuing the work assignment will benefit an individual in terms of furthering work skills (see subsection (b) of this Section), the individual shall be reassigned to the work assignment. Otherwise, an individual will be assessed for assignment to another~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~Food Stamp Employment and Training Component.~~~~g) Displacement~~

- ~~1) The Work Assignment Sponsor shall not use individuals, participating in the Food Stamp Employment and Training program, to displace the sponsor's employees:
 - ~~A) who are already employed as regular full time or part time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;~~
 - ~~B) who are or have been involved in a labor dispute between a labor organization and the sponsor; or~~
 - ~~C) who have been temporarily laid off by the sponsor.~~~~
- ~~2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
 - ~~A) the name and address of the individual (the grievant);~~
 - ~~B) the individual's public aid case number;~~
 - ~~C) the individual's social security number;~~
 - ~~D) the work assignment (work site); and~~
 - ~~E) a statement as to why an individual believes he or she is causing displacement.~~~~
- ~~3) Within ten days after receipt of a written grievance, the Department will arrange an in person conference with:
 - ~~A) the individual;~~
 - ~~B) the individual's representative, if any;~~
 - ~~C) the Work Assignment Sponsor;~~
 - ~~D) the Work Assignment Sponsor representative, if any; and~~
 - ~~E) the Department's representative.~~~~
- ~~4) At the in person conference, the Department will solicit and receive from the individual and the Work Assignment Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Assignment Sponsor shall provide documents or other information requested by the individual and/or the Department.~~
- ~~5) Within 15 days after the in person conference, the Department will advise the individual and the Work Assignment Sponsor, in writing, of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.~~
- ~~6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that Work Assignment Sponsor. If the Department concludes, as a result of the evidence presented at the conference,~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~that the Work Assignment Sponsor has caused displacement by use of individuals participating in the Food Stamp Employment Training program in addition to the individual grievant, then the Department may terminate the Food Stamp Employment and Training program participants' assignment to that Work Assignment Sponsor.~~

- ~~7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the Work Assignment Sponsor for filing a grievance or otherwise proceeding under this subsection (g).~~

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.177 Illinois Works Component (Repealed)

- ~~a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential.~~
- ~~b) Eligibility Criteria~~
- ~~1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.~~
 - ~~2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.~~
 - ~~3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.~~
 - ~~4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.~~
- ~~c) Participation Requirements~~
- ~~1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.~~
 - ~~2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.~~
 - ~~3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed, in writing, when approved by~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the Department.

- ~~4) Participants are required to report, as scheduled and on time, to the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.~~
 - ~~5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30-day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.~~
 - ~~6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.~~
- d) ~~Administration and Contracts~~
- ~~1) The Department shall administer the Illinois Works program.~~
 - ~~2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the policy and procedures for the component and monitor Illinois Works as operated by other State agencies.~~
 - ~~3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.~~
 - ~~4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.~~
 - ~~5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.~~
 - ~~6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.~~
 - ~~7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.~~
 - ~~8) Illinois Works job slots may only be located in public or private nonprofit agencies.~~
- e) ~~For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:~~
- ~~1) No participant shall be required to work more than eight hours on any given day;~~
 - ~~2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~Insurance requirements, such inability shall not be considered a refusal to cooperate;~~
- ~~3) All participants in Illinois Works must be provided Worker's Compensation coverage;~~
 - ~~4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;~~
 - ~~5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;~~
 - ~~6) Illinois Works assignments shall not be related in any way to political or partisan activities;~~
 - ~~7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;~~
 - ~~8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;~~
 - ~~9) There is no unreasonable degree of risk to the individual's health and safety; and~~
 - ~~10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.~~
- ~~f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.~~
 - ~~g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSE&T in addition to the individual grievant, then the Department may terminate other FSE&T program participants' assignments to that work assignment sponsor.~~
 - ~~h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.178 Job Training Component (Repealed)

- ~~a) Individuals who will benefit from short term training to obtain unsubsidized employment are referred to the Job Training Component. The Job Training component offers special time limited services for specific target populations.~~
- ~~b) Eligibility Criteria. The Job Training Component is appropriate for individuals determined to:
 - ~~1) be able to benefit from short term vocational training (for example, an~~~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- individual who has the interest and ability to complete the training program and be hired in a position for which an individual has trained); and
- 2) ~~be readily employable with the addition of short term training (for example, training for a specific job for which there are jobs available).~~
- c) ~~Entry into the Component. Assignment of individuals to Job Training will be made as a result of the assessment and development of the employability plan.~~
- d) ~~Participation Requirements~~
- 1) ~~The individual must maintain a level of satisfactory attendance and progress as established and reported by the training provider. Failure of an individual to attend training classes, without good cause, three times in a 30 day period shall result in a financial sanction and/or food stamp disqualification as specified for the Job Training Component.~~
 - 2) ~~The individual must provide verification of attendance and progress (for example, statements signed by the instructor, records and reports prepared at the end of the term). The individual must provide monthly written verification of attendance.~~
- e) ~~Contact with Individual~~
- 1) ~~The Food Stamp Employment and Training worker shall have contact with the individual on a monthly basis. Contact consists of attendance reports, progress reports, group or individual sessions, on site program visits and written correspondence.~~
 - 2) ~~The individual must provide verification of progress such as statements signed by the instructor and records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.179 JTPA Employability Services Component (Repealed)

- a) ~~The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.~~
- b) ~~Eligibility Criteria~~
 - 1) ~~An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the individual will benefit from a JTPA Employability Services assignment.~~
 - 2) ~~If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Services, the individual will be assigned to another appropriate component.
- ~~3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.~~
- ~~4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.~~
- e) ~~Participation Requirements~~
- ~~1) Individuals must participate 80 hours each month in JTPA Employability Services activities.~~
- ~~2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.~~
- ~~3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30 day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.~~
- d) ~~Administration and Contracts~~
- ~~1) The Department shall administer the JTPA Employability Services program.~~
- ~~2) The Department may enter into an inter agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.~~
- ~~3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.~~
- ~~4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.~~
- ~~5) Entities operating JTPA Employability Services under contract, inter agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.~~
- ~~6) Entities operating JTPA Employability Services under contract, inter agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for data entry and case file updating.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 121.182 Earnfare Activity ~~Component~~

- a) Assignment to the Earnfare activity ~~Component~~ is limited to adults who receive food stamps and who volunteer or are court-ordered to participate.
- b) Eligibility Criteria
 - 1) Eligibility for the Earnfare activity ~~Component~~ shall be limited to six months out of the fixed 12- ~~any 12-consecutive~~ month period July through June. ~~Court except that court~~ ordered participants shall participate for six months unless the court orders participation for less than six months out of the 12- ~~any 12-consecutive~~ month period.
 - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
 - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
 - 4) ~~Individuals who are receiving or who would be eligible for benefits under Article IV of the Illinois Public Aid Code are not eligible to participate in Earnfare.~~
- c) Administration and Contracts
 - 1) The Illinois Department shall administer the Earnfare program in Chicago.
 - 2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:
 - A) Local governmental units that receive State funds.
 - B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.
 - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

community based organizations to help develop Earnfare opportunities and otherwise administer the program.

- 4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.
 - 5) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.
- d) Notification and Referrals
- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
 - A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
 - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
 - C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.
 - 2) The Illinois Department, comprehensive providers and participating downstate units shall make referrals to the Earnfare program as follows:
 - A) Any individual ~~person~~ may request a referral.
 - B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of TANF AFDC children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.
 - C) Within 30 days after a request for an Earnfare referral:
 - i) individuals ~~persons~~ who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
 - ii) individuals ~~persons~~ who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
 - 3) When possible, within ~~Within~~ 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
- e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
 - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - 4) there is no unreasonable degree of risk to the individual's health and safety; and
 - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- g) Earnfare Activity Requirements ~~Entry into the Component~~
- ~~1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not for profit community based and local organizations, other public agencies, including State agencies, and with private employers.~~
- ~~1)2)~~ To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.
 - ~~2)3)~~ The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.
- h) Payments
- 1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum of \$294 ~~231.00~~ per month. ~~Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~in Earnfare shall be able to earn a maximum of \$261.00 per month.~~ Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of ~~\$294.00~~ per month. An individual is considered to have participated in Earnfare in any month he or she earns a payment.

- A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the federal minimum wage shall first be applied as a ~~\$50.00~~ payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity. The individual can earn a maximum of ~~\$231.00~~ each month including the amount of the support obligation. ~~Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation.~~ Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of ~~\$294.00~~ per month, including the amount of the support obligation.
- B) Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours.
- C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least ~~\$20.00~~, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of TANF ~~AFDC~~ children.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.

- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.
 - 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.
 - 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.
 - 7) The Illinois Department will provide necessary clothing to enable participants to report to their Earnfare job site. ~~Participants will be required to submit a written request for clothing needed.~~
- i) Participation Requirements
- 1) ~~Earnfare participants may be assigned up to a maximum of 80 hours per month. Individuals may volunteer to participate in Earnfare and participation shall be limited to only six months out of any 12 consecutive month period except that court ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of work up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each hour of performance in Earnfare activity up to \$231.00 including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage is increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage is increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.~~
- ~~B) Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.~~
- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
 - 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or federal SSI benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.
 - 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.
 - 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).
 - 6) During the Earnfare assignment, participants are required to apply for suitable

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- jobs for which the provider makes a referral.
- 7) Earnfare clients may participate in a voluntary job search activity as resources permit. ~~There are no sanctions for failure to comply.~~ Earnfare clients may participate for two months in the 12- ~~a 12 consecutive~~ month period, either concurrently or following the six-month eligibility period for Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training

- a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp sanction. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp sanctions for non-participation in Earnfare.
- 4) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or sanctioned for food stamps. (See Section 121.26 for the length period of the sanction period for food stamps.) (See Section 121.86 for good cause.)
- ~~2) Transitional Assistance sanctions and/or food stamp sanctions shall be imposed against those individuals who refuse or fail to participate, without good cause, in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)~~
- b) Non-cooperation with the Food Stamp Employment and Training program includes ~~one instance of any of the following:~~
- 1) refusal/failure to respond to a job referral (see Section 121.162(a)(2));
 - 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(a)(3)(b)(4));
 - 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(a)(4)(e)(1));
 - 4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(a)(5)(e)(2)); ~~or~~
 - 5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided (see Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

121.162(a)(1);-

- e) ~~A Transitional Assistance sanction and/or food stamp sanction will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:~~
- ~~6)4) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The client will be included in a scheduled group or other meeting or be re-scheduled for another meeting (see Section 121.162(a)(1));~~
 - ~~7)2) Refusal An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan (see Section 121.162(a)(1));~~
 - ~~8)3) Failure An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period without good cause (see Section 121.162(a)(1)) shall result in a Transitional Assistance sanction and/or a food stamp sanction (see Sections 121.162(b)(2));~~
 - ~~9)4) For individuals Individuals assigned to participate in an Education or a Training component activity, failure to must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp sanction (see Section 121.162(a)(1)) (see Section 121.186);~~
 - ~~10) Failure to appear for an assessment interview or to comply with the assessment process without good cause (see Section 121.162(a)(1));~~
 - ~~11) Failure to comply in Job Search. This includes failure to attend a job search session or failure to make the required 20 acceptable employer contacts in a 30-day period without good cause. Each missed session is considered an instance of failing to comply (see Section 121.162(a)(1));~~
 - ~~12) For an individual in Work Experience, failure to report to the work assignment on days scheduled or to make eight acceptable employer contacts in a 30-day period. Each failure to attend one day of work assignment, without good cause (or to initially report) is considered one instance of failing to comply (see Section 121.162(a)(1));~~
 - ~~13) For an individual in a training or educational activity, failure to maintain a satisfactory level of attendance as established by the educational facility.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

However, failure to attend training or education classes three times in a 30-day period, without good cause, will result in a sanction (see Section 121.162(a)(1)); or

- 14) Failure to attend a Job Readiness skill training session or failure to make eight acceptable employer contacts in a 30-day period, if required. Each missed session is considered one instance of failing to comply (see Section 121.162(a)(1)).
- ~~5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction; and~~
- ~~6) Failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a Transitional Assistance Sanction and/or food stamp sanction.~~
- ~~c)d) A Transitional Assistance sanction and/or food stamp sanction shall be imposed only on a nonexempt individual.~~
- ~~d)e) No Transitional Assistance sanction or food stamp sanction will be imposed until the individual is sent written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.~~
- ~~e)f) A Transitional Assistance sanction and/or food stamp sanction shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).~~
- ~~f)g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp sanction shall include the following:~~
- ~~1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;~~
 - ~~2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and~~
 - ~~3) a statement about the length of the sanction period and the action that must be taken to restore benefits.~~

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 121.186 Good Cause for Failure to Cooperate

- a) If an individual has good cause for not complying with Food Stamp Employment and Training participation requirements, Transitional Assistance shall not be discontinued and/or the food stamp assistance unit shall not be disqualified. Examples of good cause include but are not limited to:
- 1) illness or incapacity;
 - 2) court required appearance or temporary incarceration;
 - 3) family crisis;
 - 4) death in the family;
 - 5) sudden and unexpected emergency;
 - 6) ~~breakdown in transportation arrangements or~~ lack of reasonably available transportation;
 - 7) ~~severe inclement~~ weather;
 - 8) the job referral does not meet appropriate work or training criteria (~~see Section 121.166~~);
 - 9) lack of any supportive service or other resource as determined by the employability plan (~~see Section 121.166~~), even though the necessary service is not specifically provided under the Food Stamp Employment and Training program, to the extent the lack of the needed service presents a significant barrier to participation;
 - 10) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Food Stamp Employment and Training program staff (~~for example, an individual is unable to attend an Orientation meeting because he or she is already attending GED classes~~);
 - 11) failure to cooperate due to symptoms or conditions for which an individual has been referred to a rehabilitation treatment program;
 - 12) failure of Department staff to correctly forward the information to each other ~~the Food Stamp Employment and Training program staff~~;
 - 13) failure of the individual to cooperate because of attendance at a test or a mandatory class or function at an educational program whether or not such a program is officially approved by the Food Stamp Employment and Training program. ~~When Food Stamp Employment and Training workers know in advance of such tests and mandatory classes or functions, they shall schedule Food Stamp Employment and Training activities around them if possible;~~
 - 14) failure of the individual due to the individual's illiteracy;
 - 15) failure of the individual because it is determined that the individual should be in a different Food Stamp Employment and Training program component; ~~or~~
 - 16) non-receipt by an individual of a notice advising the individual of a participation requirement, if documented by the individual. Documentation can

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to an individual's last known address in Department records; return of the notice by the post office; other returned mail; and proof of previous mail theft problems. When determining whether the individual has demonstrated non-receipt, the Department shall take into consideration an individual's history of cooperation or non-cooperation. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to individuals; or:

- 17) lack of reasonably available child care.
- b) The Department will not require an individual to document good cause for non-cooperation unless:
- 1) the individual has failed to comply with FSE&T requirements ~~with work, training, rehabilitation, or advocacy requirements~~ on at least one other occasion within a 60-day period; or
 - 2) evidence, independent of the explanation of good cause, casts doubt on the individual's explanation.
- c) An individual shall not be denied good cause solely on the basis that he or she failed to notify the Department of the good cause in advance of a participation requirement.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.188 Supportive Services

- a) Transitional Assistance recipients and individuals receiving food stamps are eligible to receive supportive service payments, in advance, ~~except for orientation~~, to enable them to participate in the program. Transitional Assistance recipients and individuals receiving food stamps may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.
- ~~b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:~~
- ~~1) transportation;~~
 - ~~2) employment related medical services (for example, TB test);~~
 - ~~3) vocational rehabilitation;~~
 - ~~4) initial employment expenses;~~
 - ~~5) required books, fees, supplies;~~
 - ~~6) pre-employment and pre-training physical examinations that are needed but not otherwise provided; and~~
 - ~~7) clothing allowance to enable participants to report to their Earnfare job site.~~
- b)e) Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department or some other reasonably available source. Food Stamp Employment and Training program participation will not be required in a component if the individual's monthly allowable supportive service expenses exceed the maximum amount allowed by Department policy. Individuals may be required to participate in another component or a less costly activity of the same component to the extent it is consistent with the employability plan established during the individual's assessment.

~~c)~~ Eligible Services

- 1) Transportation
 - A) If required and necessary, expenses for transportation will be provided to enable individuals to attend assessment orientation meetings and conciliation meetings and permit participation in activities.
 - ~~B) Transportation expenses are to be paid to permit participation in the Job Search, Illinois Works, Basic Education, Job Training, Job Readiness, JTPA Employability Services, Work Experience and Earnfare Components.~~
 - ~~B)C) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15¢ per mile) will be approved, which includes all vehicle-related expenses.~~
 - ~~D) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins.~~
 - ~~E) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare Job Search Activity for specific job interviews arranged by their Earnfare employer.~~
- 2) Job Search Expenses
 - A) Individuals participating in Job Search and Earnfare will receive an amount, not to exceed \$20.00 every 30 days ~~a month~~, to assist in the payment of Job Search-Related Expenses.
 - B) An allowance of \$5.00 a month will be paid to individuals participating in the Work Experience and Job Readiness Components to assist in the payment of Job Search-Related Expenses.
- 3) Mandatory Fees. Payment may be provided for mandatory ~~Mandatory~~ fees, such as including application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (~~see Sections 121.170 through 121.182~~). A maximum payment of \$300.00 per 12-month period can be provided. No payments are allowed for tuition.
- 4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300.00 per 12-month period can be provided.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.
- 6) Earnfare clothing allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. A maximum clothing allowance of \$100.00 per 12-month period can be provided.
- 7) Initial Employment Expenses
 - A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins for all components ~~except Illinois Works and JTPA Employability Services~~. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.
 - B) These expenses include:
 - i) Special clothing (maximum \$200.00);
 - ii) Required tools which are not provided by the employer (maximum \$200.00);
 - iii) Repairs of an automobile (maximum \$300.00);
 - iv) Auto license plate fees;
 - v) Auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;
 - vi) Transportation expenses at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;
 - vii) Child care up to DHS maximums;
 - viii) Physical examination, prior to employment, if required and not provided by the employer;
 - ix) Other required items related to a specific job (maximum \$300.00); and
 - x) Items ~~Item(s)~~ or services ~~service(s)~~ purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items ~~Item(s)~~ and services ~~service(s)~~ may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
 - D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.
- d)e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.
- e) Earnfare clothing allowance. Payments may be provided for clothing for an Earnfare client of up to \$100 in a 12-month period.

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.190 Conciliation and ~~Fair Hearings~~

- a) The conciliation process and sanctions do not apply to Earnfare for those earning cash assistance. An assessment and reassignment of an Earnfare client into another countable activity is completed if the individual fails to cooperate or meet participation requirements. An individual may be sanctioned if he or she does not comply after conciliation.
- b) In the conciliation process it is determined why a nonexempt food stamp client failed or refused to comply with FSE&T requirements. If good cause exists, the individual is provided with another chance to comply.
- c) The conciliation is conducted before sanctions are imposed. The conciliation period begins the day after local office staff learns the individual did not comply with requirements. The period continues for up to 30 calendar days. During this period, a notice is sent scheduling the conciliation meeting. If it is determined that good cause does not exist, the individual is told what is needed to comply and the date by which it must be done to avoid sanction.
- d) If the individual does not comply during the conciliation period, the sanction action is approved no later than the last day of the period. The sanction will be retracted if it is later verified that the individual complied with FSE&T requirements by the end of the period.
- ~~a) The Department shall establish a conciliation procedure to be used upon determining that an individual has refused or failed to comply with a Food Stamp Employment and Training program requirement. The conciliation process will be used to determine the reason or reasons an individual did not comply with the Food Stamp Employment and Training program and provide the individual with an opportunity to comply prior to the imposition of a Transitional Assistance sanction and/or a food stamp disqualification. If required and necessary, expenses for transportation will be~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- provided to enable individuals to attend conciliation meetings.
- b) ~~The conciliation period shall begin the day following the date of the Food Stamp Employment and Training program's discovery of an individual's refusal or failure to comply with program requirements and shall continue for a period not to exceed 30 calendar days. Within this conciliation period, an individual shall receive notice in writing of a meeting to ascertain the reason(s) for the refusal or failure and to determine whether good cause exists. If it is determined that good cause does not exist, the Food Stamp Employment and Training program shall inform the individual of the pertinent Food Stamp Employment and Training program requirements and the consequences of failing to comply. The individual shall be informed of the actions necessary for compliance and the date by which compliance must be achieved to avoid the initiation of Transitional Assistance sanction and/or food stamp disqualification procedures. The compliance date may not exceed the end of the conciliation period. To avoid Transitional Assistance sanction and/or food stamp disqualification, an individual must perform a verifiable act of compliance within the 30 day conciliation period. Verbal commitment by an individual is not sufficient, unless the individual is prevented from complying by circumstance beyond the individual's control, such as unavailability of a component. If it is apparent that the individual will not comply (for example, the individual refuses to comply and does not have good cause), the Food Stamp Employment and Training program may end the conciliation period early and proceed with Transitional Assistance sanction and food stamp disqualification procedures. The individual's refusal to comply shall be documented in the case record.~~
- c) ~~If the individual does not comply during the conciliation period, the Food Stamp Employment and Training program shall initiate sanction action no later than the last day of the conciliation period. Transitional Assistance sanction action and/or food stamp disqualification may be cancelled if the Food Stamp Employment and Training program is able to verify that compliance was achieved by the end of the conciliation period.~~
- d) ~~An individual will be provided with a written notice of sanction, which includes the particular act of refusal or failure to comply and the proposed period of Transitional Assistance sanction and/or food stamp disqualification. The notice shall also specify when the individual may reapply. Information shall also be included, on or with the notice of adverse action, that describes the action which can be taken to end or avoid the Transitional Assistance sanction and/or food stamp disqualification procedures. The individual has the right to request an appeal hearing through the Department's fair hearing process. An individual shall be allowed to examine the Food Stamp Employment and Training program case record at a reasonable time before the date of the appeal hearing, except for confidential information that the Food Stamp Employment and Training program determines should be protected from release. Confidential information not released to an individual may not be used by either party~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~at the hearing.~~

(Source: Amended at 26 Ill. Reg. 13530, effective Sep 3, 2002)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section 121.220 Work Requirement Components (Repealed)

- ~~a) To the extent resources allow, the Department shall establish Workfare Components to give food stamp recipients an opportunity to meet the work requirement for food stamps by volunteering to participate in the Workfare Components. These components include the:~~
- ~~1) Earnfare Component (see Section 121.221), which is limited to adults who receive food stamps and who volunteer or are court ordered to participate;~~
 - ~~2) Volunteer Community Work Component (see Section 121.222);~~
 - ~~3) Work Experience Component (see Section 121.223);~~
 - ~~4) Illinois Works Component (see Section 121.225); and~~
 - ~~5) JTPA Employability Services Component (see Section 121.226).~~
- ~~b) Food stamp recipients who meet the participation requirements of the Workfare Components to retain food stamp eligibility may also participate in other Food Stamp Employment and Training (FSE&T) components. These components include Job Search (see Section 121.170), Basic Education (see Section 121.172), Job Readiness (see Section 121.174), and Job Training (see Section 121.178).~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)

- ~~a) Assignment to the Earnfare Component is limited to adults who receive food stamps and who volunteer or are court ordered to participate.~~
- ~~b) Eligibility for the Earnfare Component shall be limited to six months out of any 12 consecutive month period, except that court ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period.~~
- ~~1) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.~~
 - ~~2) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.~~
- ~~c) Administration and Contracts~~
- ~~1) The Department shall administer the Earnfare program in Chicago.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~2) The Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside of the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:~~
- ~~A) Local governmental units that receive State funds.~~
 - ~~B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-Custodial Parent/Earnfare Initiative.~~
- ~~3) The Department may enter into contracts with other public agencies, including State agencies, local governmental units, and not for profit community based organizations, to help develop Earnfare opportunities and otherwise administer the program.~~
- ~~4) The Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.~~
- ~~5) The Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.~~
- ~~d) Notification and Referrals~~
- ~~1) In areas where an Earnfare program is operating, when the Department or the local governmental unit learns that individuals are in the following categories, it shall inform them, in writing, and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
 - ~~A) Households approved or certified for non assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;~~
 - ~~B) All persons denied or terminated from State Transitional Assistance because they are employable; and~~
 - ~~C) All Earnfare participants, who shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.~~~~
 - ~~2) The Department, comprehensive providers and participating downstate local governmental units shall make referrals to the Earnfare program as follows:~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~A) Any person may request a referral.~~
- ~~B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of TANF children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.~~
- ~~C) Within 30 days after a request for an Earnfare referral:~~
- ~~i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;~~
 - ~~ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he or she is qualified.~~
- ~~3) Within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.~~
- ~~e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:~~
- ~~1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;~~
 - ~~2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;~~
 - ~~3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;~~
 - ~~4) there is no unreasonable degree of risk to the individual's health and safety; and~~
 - ~~5) the individual is physically and mentally competent to perform the work.~~
- ~~f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.~~
- ~~g) Entry into the Component~~
- ~~1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not for profit community based and local organizations, other public agencies, including State agencies, and private employers.~~
 - ~~2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.~~

- ~~3) The Department, comprehensive providers and local governmental units shall maintain up to date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.~~

~~h) Payments~~

- ~~1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month. An individual is considered to have participated in Earnfare and remains eligible for food stamps in any month he or she earns a payment.~~

- ~~A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity. The individual can earn a maximum of \$231.00 each month including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.~~

- ~~B) Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours.~~
- ~~C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00 effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.~~
- ~~2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual, who is a non-custodial parent of TANF children, to participate.~~
- ~~3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.~~
- ~~4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is a disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Department's appeal process.~~
- ~~5) The Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site, and for Earnfare participants who are not in the job search component, to specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment, while participating in Earnfare, may be eligible for initial employment expenses as stated in Section 121.124.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.~~
- ~~7) The Department will provide necessary clothing to enable participants to report to their Earnfare job site. Participants will be required to submit a written request for clothing needed.~~
- i) ~~Participation Requirements~~
- ~~1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six months out of any 12 consecutive month period, except that court ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of work up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month.~~
- ~~A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each hour of performance in Earnfare activity up to \$231.00 each month including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.~~
- ~~B) Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~2) Individuals are required to report, as scheduled and on time, to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.~~
- ~~3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Department shall reassess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or federal SSI benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.~~
- ~~4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments.~~
- ~~5) Earnfare clients may participate in a voluntary job search activity as resources permit. Earnfare clients may participate for two months in a 12 consecutive-month period concurrently with Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.222 Volunteer Community Work Component (Repealed)

- ~~a) An individual who has to meet the work requirement for food stamps may participate in the Volunteer Community Work Component. The Volunteer Community Work Component helps individuals learn various skills while performing a variety of tasks.~~
- ~~b) Eligibility Criteria
 - ~~1) The Volunteer Community Work Component is appropriate for an individual who has to meet the work requirement to receive food stamps and is willing or is already performing a Volunteer Community Work assignment.~~
 - ~~2) The individual can self initiate or arrange his or her own Volunteer Community Work assignment with community based organizations and must document the hours, in writing, that the Volunteer Community Work Sponsor certifies the individual to have completed. The individual must meet all food stamp requirements to maintain food stamp eligibility.~~~~
- ~~c) Participation Requirements
 - ~~1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up~~~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- to a maximum of 20 hours each month.
- ~~2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Volunteer Community Work hours. The individuals must engage in hours of work equal to their per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.~~
- ~~3) Individuals shall be credited with hours of work that the Volunteer Community Work Sponsor certifies them to have completed, in writing, when approved by the Department.~~
- ~~d) Volunteer Community Work Sponsors~~
- ~~1) Volunteer Community Work is self-initiated work that an individual can perform with community-based organizations, churches or other cooperating agencies or entities.~~
- ~~2) Individuals participating in "Workfare programs", operated by local governmental units, shall be credited with Volunteer Community Work.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.223 Work Experience Component (Repealed)

- ~~a) An individual who has to meet the work requirement for food stamps may volunteer to participate in the Work Experience Component. The Work Experience Sponsor shall not use Work Experience participants to displace regular employees.~~
- ~~b) Eligibility Criteria. The Work Experience Component is appropriate for food stamp recipients who need help meeting the food stamp work requirement.~~
- ~~c) Entry into the Component. Individuals shall be placed in a Work Experience assignment considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate Work Experience assignment taking into consideration such factors as the individual's work history and the needs of the sponsor.~~
- ~~d) Participation Requirements~~
- ~~1) An individual is required to work with community-based not-for-profit, private or government agencies and with public or private education and vocational training institutions. An individual is required to work not more than the number of hours that correspond with his or her level of food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month. If an individual is also a member of a food stamp household consisting of more than one person, food stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment up to a maximum~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~of 20 hours each month.~~

- ~~2) An individual is required to report, as scheduled and on time, to the Work Experience Sponsor when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he or she is to immediately notify the Work Experience Sponsor.~~
- e) ~~Displacement~~
 - ~~1) The Work Experience Sponsor shall not use individuals participating in the Work Experience Component to displace the sponsor's employees:
 - ~~A) who are already employed as regular full time or part time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;~~
 - ~~B) who are or have been involved in a labor dispute between a labor organization and the sponsor; or~~
 - ~~C) who have been temporarily laid off by the sponsor.~~~~
 - ~~2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
 - ~~A) the name and address of the individual (the grievant);~~
 - ~~B) the individual's public aid case number;~~
 - ~~C) the individual's social security number;~~
 - ~~D) the work assignment (work site); and~~
 - ~~E) a statement as to why an individual believes he or she is causing displacement.~~~~
 - ~~3) Within ten days after receipt of a written grievance, the Department will arrange an in person conference with:
 - ~~A) the individual;~~
 - ~~B) the individual's representative, if any;~~
 - ~~C) the Work Experience Sponsor;~~
 - ~~D) the Work Experience Sponsor's representative, if any; and~~
 - ~~E) the Department's representative.~~~~
 - ~~4) At the in person conference, the Department will solicit and receive from the individual and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide documents or other information requested by the individual and/or the Department.~~
 - ~~5) Within 15 days after the in person conference, the Department will advise the individual and the Work Experience Sponsor, in writing, of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of individuals participating in the Work Experience Component in addition to the individual grievant, then the Department may terminate the Work Experience participant's assignment to that Work Experience Sponsor.~~
- ~~7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this subsection (e).~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)

- ~~a) Participants are eligible to receive supportive service payments, in advance, to enable them to participate in Earnfare and Work Experience. Supportive services shall not be authorized for the Volunteer Community Work Component except for initial employment expenses. Earnfare and Work Experience participants may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.~~
- ~~b) The supportive services needed by an individual in Earnfare and Work Experience, which must be discussed and provided or arranged as needed, include at least the following:~~
- ~~1) transportation;~~
 - ~~2) initial employment expenses; and~~
 - ~~3) a clothing allowance to enable participants to report to their Earnfare job site.~~
- ~~c) Eligible Services~~
- ~~1) Transportation~~
 - ~~A) Transportation expenses are to be paid to permit participation in the Work Experience and Earnfare Components.~~
 - ~~B) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15 per mile), which includes all vehicle related expenses, will be approved.~~
 - ~~C) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins.~~
 - ~~D) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare job search activity for specific job interviews arranged by their Earnfare employer.~~
 - ~~2) Earnfare Clothing Allowance. Necessary clothing is provided to enable~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~participants to report to their Earnfare job site. A maximum clothing allowance of \$100.00 per 12-month period can be provided.~~

~~3) Initial Employment Expenses~~

~~A) Payment to Volunteer Community Work, Earnfare and Work Experience participants may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all initial employment expenses provided shall not exceed \$400.00 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.~~

~~B) These expenses include:~~

- ~~i) special clothing (maximum \$200.00);~~
- ~~ii) required tools which are not provided by the employer (maximum \$200.00);~~
- ~~iii) repairs of an automobile (maximum \$300.00);~~
- ~~iv) auto license plate fees;~~
- ~~v) auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;~~
- ~~vi) transportation expenses at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15 per mile, whichever is less, shall be authorized;~~
- ~~vii) child care;~~
- ~~viii) physical examination prior to employment if required and not provided by the employer;~~
- ~~ix) other required items related to a specific job (maximum \$300.00); and~~
- ~~x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include, but are not limited to, the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.~~

~~C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.~~

~~D) Also not permitted as an initial employment expense are expenses~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.225 Meeting the Work Requirement with the Illinois Works Component
(Repealed)

- ~~a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential.~~
- ~~b) Eligibility Criteria
 - ~~1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.~~
 - ~~2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.~~
 - ~~3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.~~
 - ~~4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.~~~~
- ~~c) Participation Requirements
 - ~~1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.~~
 - ~~2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.~~
 - ~~3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed, in writing, when approved by the Department.~~
 - ~~4) Participants are required to report, as scheduled and on time, to the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.~~~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30 day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.~~
- ~~6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.~~
- d) ~~Administration and Contracts~~
 - ~~1) The Department shall administer the Illinois Works program.~~
 - ~~2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the policy and procedures for the component and monitor Illinois Works as operated by other State agencies.~~
 - ~~3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.~~
 - ~~4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.~~
 - ~~5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.~~
 - ~~6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.~~
 - ~~7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.~~
 - ~~8) Illinois Works job slots may only be located in public or private nonprofit agencies.~~
- e) ~~For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:~~
 - ~~1) No participant shall be required to work more than eight hours on any given day;~~
 - ~~2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment Insurance requirements, such inability shall not be considered a refusal to cooperate;~~
 - ~~3) All participants in Illinois Works must be provided Worker's Compensation coverage;~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;~~
 - ~~5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;~~
 - ~~6) Illinois Works assignments shall not be related in any way to political or partisan activities;~~
 - ~~7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;~~
 - ~~8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;~~
 - ~~9) There is no unreasonable degree of risk to the individual's health and safety; and~~
 - ~~10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.~~
- ~~f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.~~
 - ~~g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSE&T in addition to the individual grievant, then the Department may terminate other FSE&T program participants' assignments to that work assignment sponsor.~~
 - ~~h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

Section 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

- ~~a) The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.~~
- ~~b) Eligibility Criteria
 - ~~1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the individual will benefit from a JTPA Employability~~~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~Services assignment.~~

- ~~2) If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability Services, the individual will be assigned to another appropriate component.~~
 - ~~3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.~~
 - ~~4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.~~
- e) ~~Participation Requirements~~
- ~~1) Individuals must participate 80 hours each month in JTPA Employability Services activities.~~
 - ~~2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.~~
 - ~~3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.~~
- d) ~~Administration and Contracts~~
- ~~1) The Department shall administer the JTPA Employability Services program.~~
 - ~~2) The Department may enter into an inter-agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.~~
 - ~~3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.~~
 - ~~4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.~~
 - ~~5) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.~~
 - ~~6) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~data entry and case file updating.~~

(Source: Repealed at 26 Ill. Reg. 13530, effective Sep 3, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
730.10	Amendment
730.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7604
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 730.20(j) - replaced "Class B misdemeanor" with "Petty Offense"
- 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 rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update the list of Department-owned or -managed sites open to hunting, to update site-specific regulations and to add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section

- 730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)

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

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective Sep 3, 2002.

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the regulations in this rule are more restrictive. (50 CFR 20.103, 1990)
- b) Season dates, daily limits and possession limits are in accordance with federal

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- regulations.
- c) Hunting hours: Sunrise to sunset.
 - d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take doves. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 26 Ill. Reg. 13590, effective Sep 3, 2002)

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Fulton County Goose Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Johnson-Sauk Trail State Park

Jubilee College State Park

Kaskaskia River State Fish and & Wildlife Area (designated areas)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – Galum Unit

Rend Lake Project Lands and Waters

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek ~~State~~ Fish ~~and~~ & Wildlife Area (areas posted as rest area on the Eads ~~Mine~~ and Belle ~~Rive River~~ Units)

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Bradford Pheasant ~~Habitat~~ Area (permit required)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

Dog Island Wildlife Management Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

East Conant Field (permit required; must be returned by February 15)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

~~Hallsville Habitat Area (permit required)~~

~~Herschel Workman Habitat Area (permit required)~~

Horseshoe Lake Conservation Area (season closes at the end of the first statewide split season) (#)

~~Hurricane Creek Habitat Area (permit required)~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (#)~~

Manito Pheasant Habitat Area (permit required)

~~Marshall State Fish and Wildlife Area (#)~~

~~Maytown Habitat Area (permit required)~~

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

~~Perdueville Habitat Area (permit required)~~

Red Hills State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rend Lake Project Lands and Waters (#)

Sand Ridge State Forest (#)

Sangamon County Conservation Area

~~Saybrook Habitat Area (permit required)~~

Sielbeck Forest Natural Area (#)

~~Steward Habitat Area (permit required)~~

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Fulton County Goose Management Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson Sauk Trail State Park (#)

Matthiessen State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mautino ~~State~~ Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

~~Pyramid State Park (#)~~

Sanganois State Fish and Wildlife Area

Snake Den Hollow ~~State~~ Fish and Wildlife Area (#)

Victoria Pheasant Habitat Area (#)

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

~~Giant City State Park (#)~~

Harry "Babe" Woodyard State Natural Area (permit required) (#)

Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kinkaid State Fish and Wildlife Area (#)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas
(dove management fields only)

Marseilles State Fish and Wildlife Area (After Labor Day, site is closed on
Fridays, Saturdays, and Sundays through October) (#)

Middle Fork State Fish and Wildlife ~~Management~~-Area (dove management
fields only) (#)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and
26)

Moraine View State Park (dove management fields only; season closes October
14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October
14) (#)

Pyramid State Park (all hunters must wear DNR backpatch in dove
management fields only) (#)(4)

Pyramid State Park – Captain Unit (all hunters must wear DNR backpatch in
dove management fields only; permit required; permit must be returned by
February 15)(4)

Pyramid State Park – Denmark Unit (all hunters must wear DNR backpatch in
dove management fields only; permit required; permit must be returned by
February 15)(4)

Pyramid State Park – East Conant Unit (all hunters must wear DNR backpatch
in dove management field only; permit required; permit must be returned by
February 15)(4)

Pyramid State Park – Galum Unit (all hunters must wear DNR backpatch in
dove management fields only; permit required; permit must be returned by

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

February 15)(4)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam Spring State Park (site permit required)(#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11:00 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Mt. Vernon Game Propagation Center (#)

~~Ramsey Lake State Park (#)~~

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Stephen A. Forbes State Park (season opens day after Labor Day) (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

~~Siloam Springs State Park (#)~~

g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)

Horseshoe Lake Conservation Area (Alexander County)(#)

Saline County State Fish and Wildlife Area (#)

h)g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

to sunset)

Middle Fork State Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

~~i)h)~~ Permit Areas

1) Permit Season Regulations

- A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.
- B) Permit Applications
Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.
- C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
- D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection (h)(3).
- E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
- F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
- B) Non-permit hunting hours shall be 12 noon-sunset except as indicated in parentheses.
- C) No permits are required except as indicated in parentheses.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- D) Check in and check out is required except as indicated in parentheses.
 - E) Hunter quotas will be filled on a first come-first served basis.
- 3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon-5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise-sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon-5 p.m.)

Jim Edgar Panther Creek State Fish and Wildlife Area (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.; each permit authorizes the holder to bring one hunting partner)

Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

j) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 13590, effective Sep 3, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail, and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Adopted Action:
740.10 Amendment
740.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- 5) Effective Date of Amendments: September 3, 2002
- 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 amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7617
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 740.20(a) - added "specific" following "site" and changed "Class B misdemeanor" to "petty offense"

Section 740.20(c) - "Jim Edgar" - added "Permit" following "Controlled Unit"
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part is being amended to update information on sites open to hunting and site-specific information and to add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 740

CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective Sep 3, 2002.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

this Part, unless federal regulations are more restrictive.

- c) Woodcock
 - 1) Season dates, daily limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- d) Snipe (Common)
 - 1) Season dates, bag limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- e) Rail (Sora and Virginia)
 - 1) Season dates, bag limits and possession limits are in accordance with federal regulations
 - 2) Hunting hours: Sunrise to Sunset
- f) Teal
 - 1) Teal regulations are in accordance with federal regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
 - 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to the Wildlife Code.
 - 3) Hunting hours are sunrise - sunset.
- g) Crow
 - 1) Season dates: July 1 through the next following August 15, and from December 15 through the next following March 1.
 - 2) Hunting hours are 1/2 hour before sunrise through - sunset.
- h) It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1(b)).
- i) Hunting during the closed season, over daily bag limit, or over possession limit is a Class B misdemeanor (see 520 ILCS 5/2.18).
- ~~i) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take woodcock, snipe, rail and teal. Instructions for registering are provided with issuance of hunting license.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- j) Woodcock, Snipe, Rail and Teal - Hunting prior to sunrise or after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before 1/2 hour prior to sunrise or after 1/2 hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (520 ILCS 5/2.33(y)).
- k) Crow - Hunting 1/2 hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before 1/2 hour prior to sunrise or after 1/2 hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (520 ILCS 5/2.33(y)).

(Source: Amended at 26 Ill. Reg. 13605, effective Sep 3, 2002)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only;
woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00
a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in
Eagle Creek Roost Area)

Red Hills State Park

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until
1:00 p.m.)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then
8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00
p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season,
hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110
which pertain to Sand Ridge State Forest)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sielbeck Forest Natural Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area
(closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00
a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

~~East Conant Field (open only to hunters possessing a valid quality upland permit for the area)~~

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State Forest (4:00 p.m. daily closing)

Horseshoe Lake State Park (Madison County) - Gabaret, Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open ~~Units~~Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit-~~or~~ Controlled Unit permit~~upland permit~~)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Pyramid State Park - Captain Unit (open to hunters with a quality upland permit, daily draw waterfowl permit or site permit)

Pyramid State Park - Denmark Unit (open to hunters with a quality upland permit, daily draw waterfowl permit or site permit)

Pyramid State Park - East Conant Unit (open to hunters with a quality upland permit, daily draw waterfowl permit or site permit)

Pyramid State Park - Galum Unit (permit required; must be returned by February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to IDNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of County Road N6th only; four hunters per blind site; no fishing north of County Road N6th during this season railroad tracks only; hunting hours from legal opening to 9 a.m.; fishing allowed between the railroad tracks and the county road after 10 a.m.; four hunters per blind site; all hunters must be checked out at sign in box by 10 a.m.)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Conservation Area

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area

Pyramid State Park - Captain Unit (permit required; must be returned by February 15)

Pyramid State Park - Denmark Unit (permit required; must be returned by February 15)

Pyramid State Park - Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Woodford Fish and Wildlife Area

- e) Crow Hunting
 - 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only; permit required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year:

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- 3)2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

Stephen A. Forbes State Park

- 4)3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 26 Ill. Reg. 13605, effective Sep 3, 2002)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Detection of Deception Examiners Act
- 2) Code Citation: 68 Ill. Adm. Code 1230
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1230.40	Amendment
1230.60	Amendment
1230.155	Amendment
1230.160	Amendment
- 4) Statutory Authority: Detection of Deception Examiners Act [225 ILCS 430]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, 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 Illinois Register: May 10, 2002, at 26 Ill. Reg. 7003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 92-453, the sunset reauthorization of the Detection of Deception Examiners Act, eliminates the Detection of Deception Examiner Committee; this rulemaking removes references to the Committee. This rulemaking also increases the licensure application and renewal fees as agreed to as a condition for reauthorization.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1230
DETECTION OF DECEPTION EXAMINERS ACT

Section

1230.10	Statutory Authority (Repealed)
1230.20	Definitions
1230.30	Six Month Study of Detection of Deception
1230.40	Instructors Qualifications and Approval
1230.50	Application for Registered Training
1230.60	Application for Licensure Examination
1230.70	Licensure Examination
1230.80	Impermissible Advertising
1230.90	Pre-Test Interview
1230.100	Protection of the Rights of the Subject
1230.110	Impermissible Activities of an Examiner
1230.120	Disclosure of Examination Results
1230.130	Required Records
1230.140	Endorsement
1230.150	Renewals
1230.155	Fees
1230.160	Granting Variances

AUTHORITY: Implementing Section 22 of the Detection of Deception Examiners Act [225 ILCS 430] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Regulations Promulgated for the Administration and Enforcement of the Illinois Detection of Deception Examiners Act, effective June 26, 1975; codified at 5 Ill. Reg. 11031; amended at 6 Ill. Reg. 788, effective January 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 230 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1230 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2929; amended at 22 Ill. Reg. 10567, effective June 1, 1998; amended at 24 Ill. Reg. 514, effective December 31, 1999; amended at 26 Ill. Reg. 13618, effective Sep 3, 2002.

Section 1230.40 Instructors Qualifications and Approval

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) Trainer Qualifications. A person shall be approved to teach the courses listed in Section 1230.30(a) who has the following qualifications:
 - 1) Is a detection of deception examiner licensed in Illinois or in another state with substantially equivalent requirements;
 - 2) Has a license in good standing;
 - 3) Has a minimum of 3 years of experience as a licensed detection of deception examiner; and
 - 4) Currently administers examinations on a regular basis.
- b) Specialized Instructors Qualifications. A person shall be approved as a specialized instructor:
 - 1) To teach Psychological Aspects, if he has a bachelor's degree from an accredited college or university with at least 20 semester hours in psychology courses;
 - 2) To teach Physiological Aspects, if he has a bachelor's degree from an accredited college or university with at least 20 semester hours in life science courses, including one course in human physiology;
 - 3) To teach Legal Aspects, if he has a law degree from an accredited law school.
- c) Application for Approval
 - 1) An applicant for approval as a trainer or specialized instructor shall submit an application and a general course outline to the Department. The course outline shall include a list of the books to be used, the number of hours to be devoted to each subject, a brief description of the content of the instruction in each subject, and a course syllabus outlining the expected progression of the course.
 - 2) Trainer applicants not licensed in Illinois must also submit proof of licensure and substantially equivalent qualifications.
 - 3) Specialized instructor applicants shall also submit certified transcripts from the college or university attended indicating that the appropriate number of hours have been earned and/or the appropriate degree granted.
 - 4) ~~Applications shall be submitted to the Detection of Deception Examiner Committee on a regular basis for review and recommendation to the Department. The Committee shall review the qualifications of the applicant and the course outline he has submitted. The applicant may shall be required to appear before the Director or his designee Committee for an interview if the Director Committee has any questions relating to the applicant's his qualifications or the sufficiency of the course outline.~~
 - 5) ~~All trainers and specialized instructors who were approved prior to the effective date of these Rules will have one year to meet current qualifications, as set out in this Section.~~ 6) Approval granted under this Section is good for a period of five years and may be renewed only upon a showing that the applicant meets the qualifications then required of a trainer or specialized instructor.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) Withdrawal of Approval
- 1) The Director may, ~~upon written recommendation of the Committee,~~ withdraw, suspend or place on probation the approval of a trainer or specialized instructor when it is found, after a hearing before the Department Committee, that the trainer or specialized instructor has violated any provision of Section 14 of the Act in his actions as a trainer or specialized instructor.
 - 2) In the case of an Illinois licensed trainer, any hearing for suspension or revocation of his detection of deception examiner license shall also serve as a hearing on his approval as a trainer.

(Source: Amended at 26 Ill. Reg. 13618, effective Sep 3, 2002)

Section 1230.60 Application for Licensure Examination

a) An applicant for licensure shall submit an application at least 30 days prior to an examination date. The application shall include a certified transcript of registered training hours completed, a recent photograph not larger than 2 1/2 by 2 1/2 inches and the required fee.

~~b) Credit for Out of State Training~~

- ~~1) If an applicant wishes to receive credit for training he has received from a trainer or instructor not previously approved under Section 1230.40, in a jurisdiction outside of Illinois, the applicant shall submit course materials, information on the instructors, verification of the amount of practical experience earned under the supervision of a qualified trainer, and any other documentation that might aid the Committee in its review.~~
- ~~2) The Committee shall evaluate the documentation received and, if necessary, interview the applicant, to determine whether the training was substantially equivalent to the course of study required by Section 1230.30.~~
- ~~3) Once the Department, upon the recommendation of the Committee, has determined what portion(s), if any, of the program were substantially equivalent, the applicant shall either be notified of the acceptance of his education or of the portion(s) of the course of study he will be required to complete prior to being scheduled for the licensure examination.~~
- ~~4) The provisions of this subsection (b) shall be repealed as of July 1, 1983.~~

(Source: Amended at 26 Ill. Reg. 13618, effective Sep 3, 2002)

Section 1230.155 Fees

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

- a) Application Fees. The fee for application for a license as a detection of deception

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- examiner is ~~\$100~~ \$25. In addition, applicants for an examination shall be required to pay, either to the Department 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 Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) **Renewal Fees.** The fee for the renewal of a license shall be calculated at the rate of ~~\$125~~ \$90 per year.
- c) **General Fees.**
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$500.
 - 2) 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 Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as detection of deception examiners in this State shall be the actual cost of producing the roster.

(Source: Amended at 26 Ill. Reg. 13618, effective Sep 3, 2002)

Section 1230.160 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he finds that:
- ~~a1~~) The provision from which the variance is granted is not statutorily mandated;
 - ~~b2~~) No party will be injured by the granting of the variance; and
 - ~~c3~~) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) ~~The Director shall notify the Detection of Deception Examiner Committee of the granting of such variance, and the reasons therefor, at the next meeting of the Committee.~~

(Source: Amended at 26 Ill. Reg. 13618, effective Sep 3, 2002)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Professional Boxing Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1370.20	Amendment
1370.100	Amendment
1370.200	Repealed
1370.205	Repealed
1370.206	Repealed
1370.207	Repealed
1370.210	Repealed
1370.220	Repealed
1370.230	Repealed
1370.240	Repealed
1370.250	Repealed
1370.280	Repealed
1370.300	Repealed
1370.305	Amendment
1370.310	Amendment
1370.360	Amendment
1370.370	Amendment
- 4) Statutory Authority: Professional Boxing Act [225 ILCS 105]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, 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 Illinois Register: April 26, 2002, at 26 Ill. Reg. 5855.
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: PA 92-499, effective January 1, 2002, was the sunset reauthorization of the Professional Boxing and Wrestling Act; however, all references to wrestling and its regulation were removed and the title of the Act was changed to the Professional Boxing Act. These proposed amendments implement the reauthorization, repealing all sections regulating wrestling and removing all references to wrestling in this Part.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1370
PROFESSIONAL BOXING ~~AND WRESTLING~~ ACT

SUBPART A: STATUTORY AUTHORITY

Section
1370.10 Statutory Authority (Repealed)

SUBPART B: BOXING

Section
1370.15 Application for a License as a Boxing Promoter
1370.20 Application for a License as a Boxing Contestant, Second, Timekeeper, Referee,
Judge, Matchmaker or Manager
1370.25 Application for a Permit to Conduct a Boxing Contest
1370.26 Seconds
1370.27 Timekeepers
1370.28 Referees
1370.29 Boxers
1370.30 Structure of Ring
1370.40 Classes and Weights of Boxers
1370.50 Fight Preparations (Repealed)
1370.60 Ring Equipment (Repealed)
1370.70 Conduct of a Contest (Repealed)
1370.80 Scoring
1370.90 Knockdowns
1370.100 Fouls, Injuries, Loss of Mouthpiece
1370.105 Ringside Physician and Paramedics
1370.110 Drugs and Stimulants
1370.120 Conduct of Ring Officials
1370.140 State of Illinois Boxing Championships
1370.160 Manager – Boxer Contracts

SUBPART C: WRESTLING

Section

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1370.200 Application for a License as a Wrestling Promoter (Repealed)
- 1370.205 Application for a License as a Wrestling Referee or Timekeeper (Repealed)
- 1370.206 Application for a Permit to Conduct a Wrestling Exhibition (Repealed)
- 1370.207 General Wrestling Exhibition Requirements (Repealed)
- 1370.210 Structure of Ring (Repealed)
- 1370.220 Preparations for an Exhibition (Repealed)
- 1370.230 Conduct of an Exhibition (Repealed)
- 1370.240 Length of an Exhibition (Repealed)
- 1370.250 Scoring (Repealed)
- 1370.260 Holds (Repealed)
- 1370.270 Wrestler Out of Ring (Repealed)
- 1370.280 Disqualification (Repealed)
- 1370.290 Australian Tag Team Wrestling (Repealed)
- 1370.300 Medical Supervision (Repealed)

SUBPART D: GENERAL PROVISIONS

Section

- 1370.305 Fees
- 1370.310 Definitions
- 1370.315 Ultimate Fighting Exhibition
- 1370.320 Applications for Permits (Repealed)
- 1370.325 Requirements for Closed Circuit Telecasts (Repealed)
- 1370.330 Compensation (Repealed)
- 1370.340 Payment of Taxes
- 1370.350 Public Safety
- 1370.360 Renewals
- 1370.370 Granting Variances

AUTHORITY: Implementing the Professional Boxing Act [225 ILCS 105] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8978, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days; transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

amendment at 24 Ill. Reg. 875, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7329, effective May 1, 2000; amended at 25 Ill. Reg. 4229, effective March 13, 2001; amended at 26 Ill. Reg. 13624, effective Sep 3, 2002.

SUBPART B: BOXING

Section 1370.20 Application for a License as a Boxing Contestant, Second, Timekeeper, Referee, Judge, Matchmaker or Manager

- a) Contestants in a Boxing Contest.
 - 1) First Time Boxers. (Amateur boxers desiring to turn professional) Applications for licensure shall be completed on forms supplied by the Department and shall include:
 - A) A recent photograph or photo identification (e.g., driver's license, passport);
 - B) Proof of age (driver's license or copy of birth certificate);
 - C) Social Security Number or similar identification (i.e., green card, visa);
 - D) Two years of amateur boxing experience for amateurs and the total number of bouts and a breakdown of wins and losses. The applicant shall have a minimum of 20 bouts or demonstrate exceptional fighting ability as approved by the Department;
 - E) The required fee set forth in Section 1370.305 of this Part; and
 - F) Proof of completion of a physical examination by a physician within 90 days after application for licensure. The physician shall conduct such examinations and tests as necessary to attest to the fitness of the applicant to engage in boxing contests, which shall include, but not be limited to:
 - i) E.K.G;
 - ii) Chest x-ray;
 - iii) E.E.G.;
 - iv) Urine test indicating no non-prescribed drugs; and
 - v) Blood tests verifying no sexually transmitted diseases. Boxers must be free of the HIV virus to be licensed in Illinois.For a female boxer, in addition to the requirements of subsection (a)(1)(F)(i)-(v), the physical examination shall include a pelvic, abdominal and breast exam, noting any masses. The boxer shall also provide to the physician prior to the prefight exam the results of a U.C.G. (pregnancy) test taken within 48 hours before any event.
 - 2) Boxers Licensed in Other Jurisdictions. Application for licensure shall be completed on forms supplied by the Department and shall include:
 - A) Federal identification card and proof of licensure in another jurisdiction;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- B) Proof of completion of a physical examination by a physician. The physician shall conduct such examinations and tests as necessary to attest to the fitness of the applicant to engage in boxing contests. A female boxer shall also provide to the physician prior to the preflight exam the results of a U.C.G. (pregnancy) test taken within 24 hours before any event;
 - C) Proof of current HIV Test. Boxers must be free of the HIV virus to be licensed in Illinois;
 - D) Proof of age (driver's license or copy of birth certificate);
 - E) Social security number or similar identification (i.e., green card, visa); and
 - F) The required fee set forth in Section 1370.305 of this Part.
- 3) Applicants over age ~~35~~ 39 who have not competed in a contest within the last ~~36~~ 24 months may be required to appear before the Board to determine their fitness to participate in a contest.
- b) Seconds. Any person assisting or working the corner of any boxer must be licensed. Applications for licensure shall be completed on forms provided by the Department and shall include:
- 1) A recent photograph;
 - 2) Proof of a current license in another jurisdiction. Applicants not licensed elsewhere may be required to appear for an interview with the Board;
 - 3) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a second or any discipline in another jurisdiction in which the applicant is licensed; and
 - 4) The required fee set forth in Section 1370.305 of this Part.
- c) Referee, Judge or Timekeeper. Applications for licensure as a referee, judge or timekeeper shall be completed on forms provided by the Department and shall include:
- 1) A recent photograph;
 - 2) Proof of a medical examination from a physician licensed under the Medical Practice Act;
 - 3) Proof of experience as a referee, judge or timekeeper for 5 of the last 7 years in amateur boxing, 3 of the last 5 years in Golden Glove Tournaments, 2 of the last 3 years in national tournaments or proof of licensure in another jurisdiction;
 - 4) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a referee, judge or timekeeper or any discipline in another jurisdiction in which the applicant is licensed; and
 - 5) The required fee set forth in Section 1370.305 of this Part.
- d) Manager and Matchmaker. Applications for licensure as a manager or matchmaker

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

shall be completed on forms provided by the Department and shall include:

- 1) A recent photograph;
 - 2) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a manager or any discipline in another jurisdiction in which the applicant is licensed; and
 - 3) The required fee set forth in Section 1370.305 of this Part.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the experience is questioned by the Department 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 such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.100 Fouls, Injuries, Loss of Mouthpiece

- a) Fouls
- 1) If one of the contestants shall fall to the ring floor, or otherwise indicate an unwillingness to continue because of a claim of a low-blow foul, the contest may be terminated, and the referee may award the contest to this opponent.
 - 2) In the case of an accidental foul so determined by the referee, the referee shall determine whether the contestant who has been fouled can continue. If the boxer's chances have not been seriously jeopardized as a result of the foul, the referee may order the bout continued after an interval of not more than 5 minutes rest.
 - 3) The following actions in a boxing contest shall be considered fouls:
 - A) Hitting below the belt;
 - B) Hitting an opponent who is down;
 - C) Holding an opponent with one hand while hitting with the other;
 - D) Holding or clinching after the referee orders the contestants to break, or hitting on the break;
 - E) Wrestling or kicking;
 - F) Butting with the head or shoulder;
 - G) Hitting with open gloves, hitting with the butt of the hand, wrist, or elbow and all back hand blows;
 - H) Roughing on the ropes;
 - I) Hitting in the back or kidney area;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- J) Hitting on the back of the head or neck;
 - K) Jabbing the opponents eyes with the thumb of the glove;
 - L) Hitting after the bell has sounded ending a round;
 - M) Conduct that in the opinion of the referee is unsportsmanlike;
 - N) Hitting with a back hand; and
 - O) Hitting with an open glove.
- 4) In case of an accidental foul, the referee shall determine whether the contestant who has been fouled can continue or not. If his/her chances have not been seriously jeopardized as a result of the foul the referee may order the bout continued after an interval of not more than 5 minutes rest.
 - 5) Any contestant who deliberately fouls his/her opponent during a contest will be penalized with loss of points or disqualified depending upon the severity of harmfulness of the foul and its effect upon the opponent.
- b) Injuries (Cuts)
 - 1) When an injury (cut) is caused by a fair blow and the severity is such that the contestant cannot continue, the injured boxer shall be declared the loser by a technical knockout.
 - 2) Should a boxer intentionally foul his/her opponent causing an injury so severe that the injured boxer cannot continue, the offender shall be declared the loser by disqualification. If under the same circumstances (intentional fouling) the contest can continue, the referee shall penalize the offender by deducting points, depending upon the severity of the offense. In this case the referee shall notify the judges and Department that the injury has been caused by an intentional foul so that, if in the subsequent rounds the same injury should become so severe that the contest has to be suspended, the decision will be awarded as follows:
 - A) Technical Draw: If the injured boxer is behind on points or is even on the score cards of the judges.
 - B) Technical Decision: If the injured boxer is ahead in points on the score cards of the judges.
 - 3) In the case of a contestant who injures himself/herself trying to foul an opponent, the referee shall not take any action. The injury will be considered as produced by a fair blow from his/her opponent.
 - c) Loss of mouthpiece. When a mouthpiece is knocked out of a boxer's mouth, the referee may call time when he/she deems there is a lull in action (not in the heat of battle). The referee may have the cornerman replace the mouthpiece. This action may be done one time per boxer during the bout without points being deducted from the boxer whose mouthpiece came out, at the discretion of the referee.
 - d) Cessation of contest because of unexpected reasons. Should unexpected or accidental reasons determine the cessation of a contest before completion of the scheduled

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- rounds, a technical decision shall be awarded to the contestant who is ahead in points on the scorecard of judges and the referee, provided that at least 4 rounds have been completed when the cessation occurs. If the cessation occurs before 4 rounds have been completed, the decision will be a technical draw.
- e) The referee shall exercise immediate authority, direction and control over the contest to which he/she has been appointed and shall enforce the rules of the Professional Boxing and Wrestling Act. The referee shall be the only person authorized to determine injuries, to decide if injuries were produced by a foul and if the foul was intentional or accidental.
 - f) The referee shall have the power to stop a contest and render a decision at any stage if he/she considers it to be one-sided or if either contestant is in such condition that to continue the fight might subject the contestant to serious injury.
 - g) In the case where a boxer receives a cut eye from a fair blow or an accidental butt or any other injury that a referee believes may incapacitate the boxer, the referee is empowered to stop the contest and consult the ringside physician concerning the advisability of allowing the bout to continue.
 - h) A referee shall abide by the decision of the physician.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

SUBPART C: WRESTLING

Section 1370.200 Application for a License as a Wrestling Promoter (Repealed)

- a) ~~An applicant for licensure as a wrestling promoter shall file an application, on forms supplied by the Department, and shall include:~~
 - 1) ~~Two recent photographs;~~
 - 2) ~~Proof of the filing of the surety bond of no less than \$10,000 to cover financial obligations required by Section 11 of the Act;~~
 - 3) ~~A financial statement prepared by a certified public accountant showing liquid working capital of at least \$10,000 or a performance bond of at least \$10,000 guaranteeing payment of obligations relating to the wrestling exhibition;~~
 - 4) ~~Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a promoter or any discipline in another jurisdiction in which the promoter is licensed;~~
 - 5) ~~Proof of at least one year of experience in the wrestling profession; and~~
 - 6) ~~The required fee set forth in Section 1370.305.~~
- b) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

~~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 such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

**Section 1370.205 Application for a License as a Wrestling Referee or Timekeeper
(Repealed)**

- ~~a) An applicant for licensure as a referee or timekeeper shall file an application with the Department, on forms supplied by the Department, and shall include:
 - ~~1) A recent photograph;~~
 - ~~2) Proof of good moral character, which includes notification of any felony conviction that might have a direct relationship to duties as a referee or timekeeper or any discipline in another jurisdiction in which the referee or timekeeper is licensed;~~
 - ~~3) Proof of at least one year's experience in the wrestling profession;~~
 - ~~4) A letter of recommendation from a licensed wrestling promoter; and~~
 - ~~5) The required fee set forth in Section 1370.305.~~~~
- ~~b) When the accuracy of any submitted documentation or the relevance or sufficiency of the experience is questioned by the Department 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 such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.206 Application for a Permit to Conduct a Wrestling Exhibition (Repealed)

- ~~a) An application for a permit to conduct a wrestling exhibition shall be completed on forms supplied by the Department at least 10 days prior to the scheduled event and shall include:
 - ~~1) The names, addresses and license numbers of the promoters;~~
 - ~~2) The time, date and location of the event;~~
 - ~~3) The seating capacity of the location where the event is to be held;~~~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- ~~4) A copy of the lease or proof of ownership of the building where the event is to be held;~~
 - ~~5) The admission charge or charges to be made;~~
 - ~~6) A letter from the security agency licensed pursuant to the Private Detective, Private Security, Private Alarm and Locksmith Act of 1983 contracted to provide security for the show stating the number of guards they intend to use at that location on that date or letter from the facility indicating in-house security will be provided on the date of the show;~~
 - ~~7) Names of the contestants;~~
 - ~~8) Proof of a minimum of \$10,000 liability insurance for each contestant;~~
 - ~~9) Name, address and phone number of the nearest hospital with a neurological unit; and~~
 - ~~10) The fee required by Section 1370.305 of this Part.~~
- b) ~~Any special request regarding the conduct of the wrestling exhibition must be approved prior to the exhibition by Department representatives.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.207 General Wrestling Exhibition Requirements (Repealed)

- ~~a) Registration of wrestlers is required, on forms provided by the Department, prior to their participation in a professional match held in Illinois. Wrestlers must provide their ring name, social security number, address, telephone number and a photograph.~~
- ~~b) Promoters, timekeepers and referees must be licensed by the Department.~~
- ~~c) No female versus male exhibitions are permitted.~~
- ~~d) No animal versus human exhibitions are allowed.~~
- ~~e) Any non-licensed person participating in a wrestling exhibition must register his/her name, address, telephone number and social security number with the Department.~~
- ~~f) All wrestlers must be examined by a licensed physician, paramedic or nurse prior to their wrestling exhibition.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.210 Structure of Ring (Repealed)

- ~~a) The ring for a wrestling exhibition shall be no less than 15 feet square, or larger than 24 feet square. The ring floor shall be constructed of at least a one-inch base of building board; it shall be padded with a one-inch layer of ensolite, foam rubber or their equivalent. There must be a top covering of canvas, duck or similar material tightly stretched and placed to the ring platform. The covering must be lean and free~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- ~~of resin. The ring shall have four posts not less than 3 inches in diameter that extend from the floor of the ring to a height of no less than 48 inches or more than 58 inches. The posts shall be securely anchored and adequately padded.~~
- ~~b) The ring shall have a minimum of 3 ropes, each not less than one inch in diameter. The ropes shall be padded with a soft material.~~
 - ~~c) The floor of the ring shall not be more than 4 feet above the floor on which it is standing, and shall be supplied with steps for the entry and departure of contestants and officials, as the Department may require.~~
 - ~~d) The platform of the ring must extend beyond the ropes for a distance of at least 3 feet.~~
 - ~~e) The ring shall be kept clear of obstructions.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.220 Preparations for an Exhibition (Repealed)

- ~~a) The promoter shall provide a stretcher and oxygen inhalator at ringside in case of emergency.~~
- ~~b) Dressing rooms must be equipped with:
 - ~~1) Showers;~~
 - ~~2) Rubbing tables; and~~
 - ~~3) Chairs or benches.~~~~
- ~~c) The wrestler's skin must be free of grease or other foreign substances. The fingernails must be trimmed well below the tops. Clothing shall be suitable for an athletic contest and shoes shall have soft tops and soles.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.230 Conduct of an Exhibition (Repealed)

- ~~a) The referee shall be the chief official of every exhibition and shall remain in the ring during the entire time of the exhibition.~~
- ~~b) In the event a referee becomes incapacitated and is unable to finish officiating the exhibition, time out shall be called and another referee shall immediately be assigned to officiate.~~
- ~~c) The referee must report for duty at least one hour before the scheduled starting time of the show.~~
- ~~d) Referees must first report to their dressing room, then to ringside. They must stay at ringside and will avoid conversation, except with Department officials.~~
- ~~e) At the beginning of the exhibition, the referee shall call the wrestlers to the center of the ring.~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- ~~f) The wrestlers and the referee shall be the only persons allowed in the ring during the progress of an exhibition.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.240 Length of an Exhibition (Repealed)

- ~~a) All exhibitions will be limited to three falls or a sixty minute time limit; the wrestler gaining the most falls will be the winner of the exhibition.~~
- ~~b) The exhibition shall begin with the sound of the going.~~
- ~~c) In time limit matches the timekeeper shall sound the gong at the end of the designated time limit to indicate the end of the exhibition.~~
- ~~d) At the end of each five minutes the timekeeper shall call out the time that the participants have been wrestling sufficiently loud for the referee to hear.~~
- ~~e) When an exhibition ends before the scheduled time limit, the timekeeper shall give the referee the elapsed time.~~
- ~~f) If it becomes necessary to delay an exhibition temporarily, during the course of its progress, the timekeeper's watch shall be stopped during the delay.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.250 Scoring (Repealed)

- ~~a) Conceding or quitting due to pain or injury inflicted by an opponent's legitimate hold constitutes a fall. To end the fall the referee shall slap the back or shoulders of a wrestler securing the fall so that the opponent under him will not be strained by being held too long in a painful position.~~
- ~~b) If there have been no falls, or if each wrestler has won one fall at the end of the specified time limit, the referee will declare the match a draw.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.280 Disqualification (Repealed)

- ~~a) A referee shall disqualify a wrestler for any of the following reasons:~~
- ~~1) Roughing up the referee;~~
 - ~~2) Failure to break after winning a fall;~~
 - ~~3) Leaving the ring of his own free will; and~~
 - ~~4) Failing to break after the referee instructs the aggressor to break and the referee counts to four. The hold must be released before completion of the count.~~

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- b) ~~A referee, at his discretion, may disqualify a wrestler for any of the following reasons:~~
- ~~1) Grasping or hanging onto clothing, mats or ropes for support;~~
 - ~~2) Failure to comply with instructions;~~
 - ~~3) Use of illegal holds;~~
 - ~~4) Use of foul language; and~~
 - ~~5) Other unsportsmanlike conduct.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.300 Medical Supervision (Repealed)

- a) ~~No wrestling exhibition shall be allowed to proceed unless a physician is available at ringside or on call. If the physician is on call, a registered nurse, certified paramedic or a registered physician's assistant must be available at ringside. The medical personnel shall not leave until after completion of the final exhibition.~~
- b) ~~In order that the medical personnel shall be prepared to assist in the event of injury to a wrestler, the medical personnel shall have available drugs and medical supplies to be administered only by the physician or at his/her direction.~~
- c) ~~The medical personnel present shall report in writing to the Department all injuries received by any contestant. He/she shall report on the fitness of the wrestler to engage in further competition.~~

(Source: Repealed at 26 Ill. Reg. 13624, effective Sep 3, 2002)

SUBPART D: GENERAL PROVISIONS

Section 1370.305 Fees

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

- a) Application Fees
- ~~1) Boxing~~
 - 1A) The application fee for a license as a boxing promoter is \$500.
 - 2B) The application fee for a license as a boxing referee is \$150.
 - 3C) The application fee for a license as a boxing matchmaker is \$150.
 - 4D) The application fee for a license as a boxing manager is \$100.
 - 5E) The application fee for a license as a boxing contestant is \$25.
 - 6F) The application fee for a license as a boxing timekeeper is \$75.
 - 7G) The application fee for a license as a boxing judge is \$50.
 - 8H) The application fee for a license as a boxing second is \$25.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- ~~2) Wrestling~~
- ~~A) The application fee for a license as a wrestling promoter is \$500.~~
- ~~B) The application fee for a license as a wrestling referee is \$150.~~
- ~~C) The application fee for a license as a wrestling timekeeper is \$75.~~
- b) Renewal Fees
- 1) ~~Boxing~~
- 1A) The renewal fee for a boxing promoter license shall be calculated at the rate of \$250 per year.
- 2B) The renewal fee for a boxing referee license shall be calculated at the rate of \$75 per year.
- 3C) The renewal fee for a boxing matchmaker license shall be calculated at the rate of \$75 per year.
- 4D) The renewal fee for a boxing manager license shall be calculated at the rate of \$50 per year.
- 5E) The renewal fee for a boxing contestant license shall be calculated at the rate of \$12.50 per year.
- 6F) The renewal fee for a boxing timekeeper license shall be calculated at the rate of \$37.50 per year.
- 7G) The renewal fee for a boxing judge license shall be calculated at the rate of \$25 per year.
- 8H) The renewal fee for a boxing second license shall be calculated at the rate of \$12.50 per year.
- ~~2) Wrestling~~
- ~~A) The renewal fee for a wrestling promoter license shall be calculated at the rate of \$250 per year.~~
- ~~B) The renewal fee for a wrestling referee license shall be calculated at the rate of \$75 per year.~~
- ~~C) The renewal fee for a wrestling timekeeper license shall be calculated at the rate of \$37.50 per year.~~
- c) General Fees
- 1) The fee for a permit for a boxing match or wrestling event is \$50.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that has been lost or destroyed, or for the issuance of a certificate of registration 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 Department records when no duplicate certificate of registration is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 5) The fee for a roster of persons licensed in this State shall be the actual cost of producing the roster.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.310 Definitions

Unless the text indicates otherwise, the following terms shall be defined as indicated:

"Act" means the Professional Boxing ~~and Wrestling~~ Act [225 ILCS 105].

"Athletic event" means ~~both~~ professional boxing contests ~~and wrestling exhibitions~~.

"Department" means the Department of Professional Regulation.

"Board" means the State Professional Boxing ~~and Wrestling~~ Board.

"Exhibition" means a show of boxing or sparring in which there is no score or decision.

"Manager" means a person licensed by the Department who is not a promoter and who, under contract, agreement or other arrangement with any boxer, undertakes to directly or indirectly control or administer the boxing affairs of boxers.

"Physician" means a person licensed by the Department to practice medicine in all of its branches.

"Show" means a complete program of boxing or sparring contests or exhibitions, ~~or wrestling matches or exhibitions~~.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.360 Renewals

- a) Every license ~~and registration~~ issued under the Act shall expire on October 1 of each odd numbered year. The holder of a license ~~or registration~~ may renew his/her license or registration during the month preceding the expiration date by paying the required fee.
- b) Licensed boxers shall provide an updated medical record with the ir renewal in order to renew their license.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- c) It is the responsibility of each licensee/~~registrant~~ to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

Section 1370.370 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he/she finds that:
- 1) The provision from which the variance is granted is not statutorily 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 Director shall notify the State Professional Boxing and Wrestling Board of the granting of the such variance, and the reasons for granting the variance therefor, at the next meeting of the Board.

(Source: Amended at 26 Ill. Reg. 13624, effective Sep 3, 2002)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1)
- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.442 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 26, 2002 (26 Ill. Reg. 5872)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made to this proposed rulemaking.
- 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 amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.13	Amendment	September 13, 2002 (26 Ill. Reg. 13026)
140.20	Amendment	March 15, 2002 (26 Ill. Reg. 3852)
140.24	Amendment	September 13, 2002 (26 Ill. Reg. 13026)
140.21	Amendment	August 9, 2002 (26 Ill. Reg. 12126)
140.71	Amendment	August 9, 2002 (26 Ill. Reg. 12545)
140.402	Amendment	July 19, 2002 (26 Ill. Reg. 11210)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

140.405	New Section	May 24, 2002 (26 Ill. Reg. 7647)
140.445	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.450	Amendment	June 7, 2002 (26 Ill. Reg. 8243)
140.481	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.492	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.493	Amendment	July 19, 2002 (26 Ill. Reg. 11210)
140.523	Amendment	July 19, 2002 (26 Ill. Reg. 10243)
140.530	Amendment	August 30, 2002 (26 Ill. Reg. 13026)
140.860	New Section	September 6, 2002 (26 Ill. Reg. 13146)

- 15) Summary and Purpose of Amendment: This amendments adds changes on the requirements regarding advanced notice by the Department to providers, drug product manufacturers, and other interested parties, about drug products that have been determined to require prior approval, which did not previously require prior approval. Currently, such prior approval determinations are implemented 30 days after the Department's notification to interested parties. These amendments will shorten the 30 day requirement to ten days.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Terminated, Suspended or Barred Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
- 140.55 Recipient Eligibility Verification (REV) System
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher
Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.402 Copayments for Noninstitutional Medical Services
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Imaging Centers
- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Clinic Services
- 140.453 Definitions
- 140.454 Types of Mental Health Clinic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.455 Payment for Mental Health Clinic Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Home Health Services
- 140.471 Home Health Covered Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Limitations on Medichek Services (Repealed)
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Limitations on Medical Transportation
- 140.492 Payment for Medical Transportation
- 140.493 Payment for Helicopter Transportation
- 140.494 Record Requirements for Medical Transportation Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section

- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement
- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered by Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care
- 140.515 Management of Recipient Funds – Personal Allowance Funds
- 140.516 Recipient Management of Funds
- 140.517 Correspondent Management of Funds
- 140.518 Facility Management of Funds
- 140.519 Use or Accumulation of Funds
- 140.520 Management of Recipient Funds – Local Office Responsibility
- 140.521 Room and Board Accounts
- 140.522 Reconciliation of Recipient Funds
- 140.523 Bed Reserves
- 140.524 Cessation of Payment Due to Loss of License
- 140.525 Quality Incentive Program (QUIP) Payment Levels
- 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
- 140.532 Health Care Costs
- 140.533 General Administration Costs
- 140.534 Ownership Costs

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
- 140.538 Special Costs
- 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports-Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports
- 140.550 Update of Operating Costs
- 140.551 General Service Costs
- 140.552 Nursing and Program Costs
- 140.553 General Administrative Costs
- 140.554 Component Inflation Index
- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
- 140.561 Support Costs Components
- 140.562 Nursing Costs
- 140.563 Capital Costs
- 140.565 Kosher Kitchen Reimbursement
- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
- 140.579 Specialized Living Centers
- 140.580 Mandated Capital Improvements (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts
- 140.680 Effective Date Of Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

- Section
- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 140.860 Covered Services (Repealed)
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)
- 140.875 Department Responsibilities (Repealed)
- 140.880 Provider Qualifications (Repealed)
- 140.885 Provider Responsibilities (Repealed)
- 140.890 Payment Methodology (Repealed)
- 140.895 Contract Monitoring (Repealed)
- 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

	Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

- TABLE A Medichex Recommended Screening Procedures (Repealed)
TABLE B Geographic Areas
TABLE C Capital Cost Areas
TABLE D Schedule of Dental Procedures
TABLE E Time Limits for Processing of Prior Approval Requests
TABLE F Podiatry Service Schedule
TABLE G Travel Distance Standards
TABLE H Areas of Major Life Activity
TABLE I Staff Time and Allocation for Training Programs (Recodified)
TABLE J HSA Grouping (Repealed)
TABLE K Services Qualifying for 10% Add-On (Repealed)
TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective Sep 3, 2002.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.442 Prior Approval of Prescriptions

- a) The Department may require prior approval for the reimbursement of any drug except as provided in this Section. Determinations of whether prior approval for any drug is required shall be made in the following manner:
 - 1) The Department shall consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.
 - 2) The Department shall consult with a panel from such organizations (the panel is selected by such organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs which shall be available without prior approval.
 - 3) Upon U.S. Food and Drug Administration approval of a new drug, or when post-marketing information becomes available for existing drugs requiring prior approval, the manufacturer shall be responsible for submitting materials to the Department which the Department and the consulting organization shall consider in determining whether reimbursement for the drug shall require prior approval.
 - 4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(e)) shall be available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this Section.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 5) Upon receipt of the final agenda established for each meeting of the above described panel, the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist ~~the panel them~~ in ~~its their~~ review of the products on the agenda. The Department shall make comments and within ten working days ~~after~~ ~~of~~ receipt of the agenda, transmit such comments either in person or in writing to the panel. This shall be done for each meeting of the above described panel.
 - 6) The consulting organization shall transmit its recommendations to the Department in writing.
 - 7) Upon receipt of this transmittal letter, the Department shall, ~~notify~~ within 15 ~~business working days~~, notify all interested parties, including pharmaceutical ~~product~~ manufacturers ~~of the products~~, of all recommendations of the consulting organization accepted or rejected by the Director. Notifications to pharmaceutical manufacturers of the Director's decision to require prior approval authorization shall include ~~information regarding the~~ reasons for the decision. Decisions requiring prior approval authorization of new drug products not previously requiring prior approval authorization shall become effective no sooner than ten days after the notification ~~30 days prior notice~~ to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.
 - 8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The Drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the above described expert panel convened by the consulting organization.
 - 9) The Department shall provide that the following types of drugs are available without prior approval:
 - A) Drugs for the treatment of Acquired Immunodeficiency Syndrome (AIDS) which the Federal Food and Drug Administration has indicated is subject to a treatment investigational new drug application;
 - B) Contraceptive drugs and products;
 - C) Oncolytic drugs; and
 - D) Non-innovator products, listed in the State of Illinois Drug Product Selection Program's current Illinois Formulary, when the innovator product is available without prior approval.
- b) Except as provided in subsection (c) below, prior approval shall be given for drugs

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- requiring such authorization if:
- 1) The drug is a legend item (requires a prescription); and
 - 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature; and
 - 3) The drug is necessary to prevent a higher level of care, such as institutionalization; or
 - 4) The prescriber has determined that the drug is medically necessary.
- c) For recipients covered by the General Assistance Medical Program ~~Basic Health Protection Plan, (GA or AMI)~~, prior approval shall be given for drugs requiring such authorization if:
- 1) The drug is a legend item (requires a prescription), and
 - 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature, and
 - 3) The physician has documented that the requested item is necessary to prevent a life threatening ~~situation~~ situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening ~~situation~~ situation.
- d) Decisions on all requests for prior approval by telephone or other telecommunications device and, upon the Department's receipt of such request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.

(Source: Amended at 26 Ill. Reg. 13641, effective Sep 3, 2002)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.70	Amendment
148.240	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 3, 2002 (26 Ill. Reg. 6170)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version:

Section 148.240

The beginning of subsection (a) has been revised to read:

The Department, or its designated peer review organization, shall designee, may conduct utilization review in compliance with Section 1152 of the Social Security Act and 42 CFR Subchapter F (2001). A peer review shall be conducted by a Physician Peer Reviewer who is licensed to practice medicine in all its branches, engaged in the active practice of medicine, board certified or board eligible in his or her specialty and has admitting privileges in one or more Illinois hospitals.

Subsection (b) has been stricken in its entirety and new subsection (b) has been added, which reads:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(b) Notice of Utilization Review

The Department shall provide hospitals with notice 30 days before a service is subject to utilization review, as described in subsections (c), (d), (e) and (f) of this Section, that the service is subject to such review. In determining whether a particular service is subject to utilization review, the Department may consider factors that include:

- 1) Assessment of appropriate level of care;
- 2) The service could be furnished more economically on an outpatient basis;
- 3) The inpatient hospital stays for the service deviate from the norm for inpatient stays using accepted length of stay criteria;
- 4) The cost of care for the service;
- 5) Denial rates; and
- 6) Trends or patterns that indicate potential for abuse.

After the first sentence in subsection (c), new text has been added to read:

The Department shall provide hospitals with notice of the criteria used to determine medical necessity in preadmission reviews 30 days before a service is subject to preadmission review.

Subsection (h) has been revised to read, “Denial of Payment as a Result of Utilization Review ~~Admissions, Length of Stay, Transfers and Quality Review~~”

The beginning of subsection (h)(1) has been revised to read, “If the Department determines, as a result of utilization review, that a hospital has. . .”.

Subsection (h)(1)(C) has been stricken (and deleted as appropriate) in its entirety.

Subsection (h)(1)(D) has been deleted in its entirety.

Subsections (h)(2) and (3) have been revised as follows:

- (h)(2) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization ~~designee~~, under subsection (h)(1)(A) of this Section ~~(f)(1)(A)~~ as a result of a prepayment review, a reconsideration will be provided within 30 days upon the request of a hospital or physician practitioner or provider if such request is the result of a ~~the designee's own~~ medical necessity or appropriateness of care denial determination and is received within 60

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

days after receipt of the notice of denial Advisory Notice. The date of the notice of denial Advisory Notice is counted as day one.

- 3) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization under subsection (h)(1)(A) of this Section as a result of a preadmission or concurrent review, the hospital or physician may request an expedited reconsideration. The request for expedited reconsideration must include all the information, including the medical record, needed for the Department or its designated peer review organization to make its determination. A determination on an expedited reconsideration request shall be completed within one business day after the Department's or its designated peer review organization's receipt of the request. Failure of the hospital or physician to submit all needed information shall toll the time in which the reconsideration shall be completed. The results of the expedited reconsideration shall be communicated to the hospital by telephone within one business day and in writing within three business days after the determination.

New subsection (j) has been added, which reads:

"Designated peer review organization" means an organization designated by the Department that is experienced in utilization review and quality assurance, which meets the guidelines in Section 1152 of the Social Security Act and 42 CFR 475 (October 1, 2001).

No other substantive changes have been made.

- 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 these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.120	Amendment	March 1, 2002 (26 Ill. Reg. 2974)
148.120	Amendment	March 22, 2002 (26 Ill. Reg. 4056)
148.126	New Section	July 12, 2002 (26 Ill. Reg. 10262)
148.140	Amendment	July 12, 2002 (26 Ill. Reg. 10262)
148.295	Amendment	July 12, 2002 (26 Ill. Reg. 10262)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

148.296	Amendment	July 12, 2002 (26 Ill. Reg. 10262)
148.297	Amendment	July 12, 2002 (26 Ill. Reg. 10262)
148.298	Amendment	July 12, 2002 (26 Ill. Reg. 10262)
148.310	Amendment	March 22, 2002 (26 Ill. Reg. 4056)
148.310	Amendment	July 12, 2002 (26 Ill. Reg. 10262)
148.310	Amendment	August 30, 2002 (26 Ill. Reg. 13046)

- 15) Summary and Purpose of Amendments: These amendments to the Department's administrative rules concerning hospital services pertain to utilization review requirements. Utilization review provides the basis for determinations of medically necessary services for which payment by the Department is warranted.

The changes provide an expanded description of utilization review, and add an additional component, concurrent review, which includes certification of admission and continued stay. The hospital/provider industry has recommended the inclusion of concurrent review provisions because such review allows for interaction between the provider and the peer review organization reviewer at the time of the patient's admission and continued stay. This rulemaking also clarifies federal requirements relating to utilization review activity and defines preadmission as well as concurrent review. Additionally, the changes add provisions on expedited reviews for reconsiderations for denials of admission or continued stay.

In Section 148.70, clarifications are being added concerning psychiatric hospitals and the appropriateness of services, and repetitive text is being stricken.

This rulemaking is expected to promote high standards of care and serve client needs while enhancing the Department's performance relative to preventing inappropriate hospital admissions and continued stay.

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

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

- 148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
- 148.82 Organ Transplant Services
- 148.90 Heart Transplants (Repealed)
- 148.100 Liver Transplants (Repealed)
- 148.110 Bone Marrow Transplants (Repealed)
- 148.120 Disproportionate Share Hospital (DSH) Adjustments
- 148.130 Outlier Adjustments for Exceptionally Costly Stays
- 148.140 Hospital Outpatient and Clinic Services
- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991 Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- 148.500 Definitions
- 148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

- 148.600 Definitions
- 148.610 Scope of the Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

TABLE A	Renal Participation Fee Worksheet
TABLE B	Bureau of Labor Statistics Equivalence
TABLE C	List of Metropolitan Counties by SMSA Definition

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

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired on February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective Sep 3, 2002.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 148.70 Limitation On Hospital Services

- a) Payment for inpatient hospital care in general and specialty hospitals, including psychiatric hospitals, shall be made only when it is recommended by a qualified physician, and the care is essential as determined by the appropriate utilization review authority. For hospitals or distinct part units reimbursed on a per diem basis under Sections 148.160 through 148.170 and 148.250 through 148.300, payment shall not exceed the number of days approved for the recipient's care by the appropriate utilization review authority (see Section 148.240). If Medicare benefits are not paid because of non-approval by the utilization review authority, payment shall not be made on behalf of the Department.
- b) For hospitals or distinct part units reimbursed on a per case basis, payment for inpatient hospital services shall be made in accordance with 89 Ill. Adm. Code ~~Part~~ 149.
- c) For hospitals, or distinct part units reimbursed on a per diem basis, under Sections 148.160 through 148.170 and 148.250 through 148.300, payment for inpatient hospital services shall be made based on calendar days. The day of admission shall be counted. The day of discharge shall not be counted. An admission with discharge on the same day shall be counted as one day. If a recipient is admitted, discharged and re-admitted on the same day, only one day shall be counted.
- d) In obstetrical cases, payment for services to both the mother and the newborn child shall be made at one per diem rate, or one per case rate, whichever is applicable. Only in instances in which the medical condition of the newborn, as certified by the utilization review authority, necessitates care in other than the newborn nursery, shall payment be made in the child's name separately.
- e) Payment for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1), shall be made only when such services have been provided in accordance with federal regulations at 42 CFR 441, Subparts C and D. ~~Payment for all inpatient psychiatric services is subject to a prepayment review. All prepayment review shall be conducted by the Department's designated peer review agent. Prepayment review shall be used to determine the appropriateness and necessity of the inpatient psychiatric care. Only inpatient psychiatric care medically necessary as determined by a physician licensed to practice medicine in all its branches, will be reimbursed by the Department. The following criteria exemplify the factors that shall be used to determine the medical necessity of inpatient psychiatric care:~~
 - 1) ~~The patient's condition indicates that he or she suffers from an acute~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

~~psychological or physiological disorder requiring inpatient hospital intervention (including, but not limited to: acute disabling symptoms as a response to bio-psycho-social stress; acute danger to self or others; the medical necessity for interventions possible only in an inpatient hospital setting);~~

- ~~2) A comprehensive treatment plan has been developed and progress documented for the patient (including, but not limited to: physician's progress notes; participation in medical psychotherapy; assessment of available rehabilitative resources; creation of treatment goals).~~
- f) Payment for transplantation costs (with the exception of kidney and cornea transplants), including organ acquisition costs, shall be made only when provided by an approved transplantation center as described in Section 148.82. Payment for kidney and cornea transplantation costs does not require enrollment as an approved transplantation center and is only provided to hospitals reimbursed on a per case basis in accordance with 89 Ill. Adm. Code 149.

(Source: Amended at 26 Ill. Reg. 13661, effective Sep 3, 2002)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements

- a) Utilization Review
- The Department, or its designated peer review organization designee, shall ~~may~~ conduct utilization review in compliance with Section 1152 of the Social Security Act and 42 CFR Subchapter F (October 1, 2001). A peer review shall be conducted by a Physician Peer Reviewer who is licensed to practice medicine in all its branches, engaged in the active practice of medicine, board certified or board eligible in his or her specialty and has admitting privileges in one or more Illinois hospitals. Payment will only be made for those admissions and days approved by the Department or its designated peer review organization. Utilization review may consist of, but not be limited to, preadmission, concurrent, prepayment, and postpayment reviews to determine, pursuant to 42 CFR 476, Subpart C (October 1, 2001), the following of:
- 1) Whether the services are or were reasonable and medically necessary for the diagnosis and treatment of illness or injury ~~The quality and nature of the utilization of health services;~~
 - 2) The medical necessity, reasonableness and appropriateness of ~~inpatient~~ hospital admissions and discharges ~~care for which additional payment is sought under outlier provisions;~~
 - 3) Through DRG (Diagnosis Related Grouping) (see 89 Ill. Adm. Code 149)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- ~~validation, the~~ The validity of the hospital's diagnostic and procedural information supplied by the hospital;
- 4) ~~The completeness, adequacy and quality of hospital care provided the services furnished in the hospital; or~~
 - 5) Whether the quality of the services meets professionally recognized standards of health care; or Other medical or other practices with respect to program participants or billing for services furnished to program participants.
 - 6) Whether those services furnished or proposed to be furnished on an inpatient basis could, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient health care facility of a different type.
- b) Notice of Utilization Review ~~Medical Review Notification~~
The Department shall provide hospitals with notice 30 days before a service is subject to utilization review, as described in subsections (c), (d), (e) and (f), that the service is subject to such review. In determining whether a particular service is subject to utilization review, the Department may consider factors that include: Hospitals shall be notified at least 30 days in advance of any pre admission, concurrent, or prepayment review requirements imposed by the Department.
- 1) Assessment of appropriate level of care;
 - 2) The service could be furnished more economically on an outpatient basis;
 - 3) The inpatient hospital stays for the service deviate from the norm for inpatient stays using accepted length of stay criteria;
 - 4) The cost of care for the service;
 - 5) Denial rates; and
 - 6) Trends or patterns that indicate potential for abuse.
- c) Preadmission ~~Prepayment~~ Review
Preadmission review may be conducted prior to admission to a hospital to determine if the services are appropriate for an inpatient setting. The Department shall provide hospitals with notice of the criteria used to determine medical necessity in preadmission reviews 30 days before a service is subject to preadmission review. The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided. Such prepayment review requirements will be focused on areas where the Department has substantial reason to suspect abuse (e.g., hospital billings deviate from the norm). The review may be conducted by the Department or its designated peer review agents. Prepayment review shall be used to determine the appropriateness and medical necessity of the inpatient stay. Payment shall not be made unless the medical necessity of the inpatient stay can be documented. The Department shall notify the hospital by letter or Department Informational Notice of the designated services which shall be subject to prepayment review. The prepayment review requirement

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

~~shall commence 30 days after the Department has given notice to the hospital of the designated services which shall be reviewed.~~

d) Concurrent Review

Concurrent review consists of a certification of admission and, if applicable, a continued stay review.

- 1) The certification of admission is performed to determine the medical necessity of the admission and to assign an initial length of stay based on the criteria for the admission.
- 2) The continued stay review is conducted to determine the medical necessity and appropriateness of continuing the inpatient hospitalization. More than one continued stay review can be performed in an inpatient stay.

e) Prepayment Review

The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided.

~~f)~~ Postpayment Review

Postpayment review shall be conducted on a random sample of hospital stays following reimbursement to the hospital for the care provided. The Department may also conduct postpayment review on specific types of care.

ge) Hospital Utilization Control

Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456, ~~Subparts C, D, or E~~ (October 1, ~~2001~~ 1991). Utilization control requirements for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1) shall be in accordance with the federal regulations in 42 CFR, Ch. IV, Part 456, Subpart G (~~October 1, 1991~~).

~~hf)~~ Denial of Payment as a Result of Utilization Review Admission, Length of Stay, Transfers and Quality Review

- 1) If the Department determines, as a result of utilization review, that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:
 - A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- inappropriate length of stay or discharge, subsequent readmission or transfer of an individual.
- B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.
- C) ~~Perform prepayment review in accordance Section 148.240(c).~~
- 2) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization designee, under subsection (h)(1)(A) of this Section as a result of prepayment review ~~(f)(1)(A)~~, a reconsideration will be provided within 30 days upon the request of a hospital or physician practitioner or provider if such request is the result of a the designee's own medical necessity or appropriateness of care denial determination and is received within 60 days after receipt of the notice of denial Advisory Notice. The date of the notice of denial Advisory Notice is counted as day one.
- 3) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization under subsection (h)(1)(A) of this Section as a result of a preadmission or concurrent review, the hospital or physician may request an expedited reconsideration. The request for expedited reconsideration must include all the information, including the medical record, needed for the Department or its designated peer review organization to make its determination. A determination on an expedited reconsideration request shall be completed within one business day after the Department's or its designated peer review organization's receipt of the request. Failure of the hospital or physician to submit all needed information shall toll the time in which the reconsideration shall be completed. The results of the expedited reconsideration shall be communicated to the hospital by telephone within one business day and in writing within three business days after the determination.
- 43) A determination under subsection (h)(1) of this Section ~~(f)(1) above~~, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in:
- A) withholding Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of compliance; or
- B) termination of the hospital's Provider Agreement.
- ig) Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 1) The applicable payments made under Sections 148.82, 148.120, 148.130, 148.150, 148.160, 148.170, 148.175 and 148.250 through 148.300 are payment in full for all inpatient hospital services other than for the services of nonhospital-based physicians to individual program participants and the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

services of certain hospital-based physicians as described in subsections ~~(i)(g)(1)(B)(i)~~ through ~~(g)(1)(B)(v)~~ of this Section below.

- A) Hospital-based physicians who may not bill separately on a fee-for-service basis:
- i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.
- B) Hospital-based physicians who may bill separately on a fee-for-service basis:
- i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.
 - iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.
 - iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for professional services and do, in fact, bill private patients and collect and retain the payments received.
 - v) A physician holding a nonteaching administrative or staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains payments made.
- 2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

treatment.

- j) "Designated peer review organization" means an organization designated by the Department that is experienced in utilization review and quality assurance, which meets the guidelines in Section 1152 of the Social Security Act and 42 CFR 475 (October 1, 2001).

(Source: Amended at 26 Ill. Reg. 13661, effective Sep 3, 2002)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1)
- 1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
- 2) Code Citation: 89 Ill. Adm. Code 149
- 3) Section Number: 149.75 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 3, 2002 (26 Ill. Reg. 6183)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version:

Section 149.75(e) has been revised by adding, “ (see 89 Ill. Adm. Code 148.240(j))” after “designated peer review organization”.
- 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 amendment replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: These amendments to the Department's administrative rules concerning inpatient hospital services under DRG PPS pertain to utilization review requirements. Utilization review provides the basis for determinations of medically necessary services for which payment by the Department is warranted.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

The changes strike repetitive text and provide a cross-reference to utilization review provisions found in a related rulemaking at 89 Ill. Adm. Code 148.240. Utilization review requirements affecting inpatient hospital settings are applicable to services reimbursed under the DRG PPS as well as per diem services (fee-for-service). These changes are expected to serve client needs, enhance the Department's performance relative to preventing inappropriate hospital admissions and continued stay, and promote high standards of care.

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

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 149

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

Section

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

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.940 thru 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. at 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 15 Ill. Reg. 1826, effective January 28, 1991; emergency amendment at 15 Ill. Reg. 16308, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6195, effective March

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

27, 1992; emergency amendment at 16 Ill. Reg. 11937, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14733, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19868, effective December 7, 1992; amended at 17 Ill. Reg. 3217, effective March 1, 1993; emergency amendment at 17 Ill. Reg. 17275, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3378, effective February 25, 1994; amended at 19 Ill. Reg. 10674, effective July 1, 1995; amended at 21 Ill. Reg. 2238, effective February 3, 1997; emergency amendment at 22 Ill. Reg. 13064, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19866, effective October 30, 1998; amended at 25 Ill. Reg. 8775, effective July 1, 2001; amended at 26 Ill. Reg; emergency amendment at 26 Ill. Reg. 13676, effective September 3, 2002, for a maximum of 150 days

Section 149.75 Conditions for Payment Under the DRG Prospective Payment System

- a) General Requirements
 - 1) A hospital must meet the conditions of this Section to receive payment under the DRG PPS for inpatient hospital services furnished to persons receiving coverage under the Medicaid Program.
 - 2) If a hospital fails to comply fully with these conditions with respect to inpatient hospital services furnished to one or more Medicaid clients, the Department may, as appropriate:
 - A) Withhold Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of compliance; or
 - B) Terminate the hospital's Provider Agreement pursuant to 89 Ill. Adm. Code 140.16.
- b) Hospital Utilization Control. Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456 (October 1, 1999). Utilization control requirements for inpatient psychiatric hospital care in a psychiatric hospital, as defined in Section 149.50(c)(1), shall be in accordance with federal regulations.
- c) Medical Review Requirements: Admissions and Quality Review
Hospital utilization review committees, a subgroup of the utilization review committee, or the hospital's designated professional review organization (PRO) shall review, on an ongoing basis, the following:
 - 1) The medical necessity, reasonableness and appropriateness of inpatient hospital admissions and discharges.
 - 2) The medical necessity, reasonableness and appropriateness of inpatient hospital care for which additional payment is sought under the outlier provisions of Section 149.105.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 3) The validity of the hospital's diagnostic and procedural information.
 - 4) The completeness, adequacy and quality of the services furnished in the hospital.
 - 5) Other medical or other practice with respect to program participants or billing for services furnished to program participants.
- d) Medical Review Requirements: DRG Validation
- 1) Coding attestation. Beginning with admissions on or after March 1, 1997, and ending with admissions on or after July 1, 2001, the Health Information Management Director (Medical Records) or his or her designee(s) within the Health Information Management Department must, shortly before, at, or shortly after discharge (but before a claim is submitted), attest to the principal and secondary diagnoses, and major procedures as indicated in the medical record. Below the diagnostic and procedural information, and on the same page, the following statement must immediately precede the signature of the Health Information Management Director or his or her designee(s) within this Department: "I certify that the ICD-9-CM coding of principal and secondary diagnoses and the major procedures performed are accurate and complete based on the contents of the medical record, to the best of my knowledge." The name of the person signing the attestation must be typed or clearly printed and appear on the same page as the signature.
 - 2) DRG Validation. The Department, or its designated peer review organization, ~~designee~~ may require and perform prepayment review and/or postpayment review of specific diagnosis and procedure codes.
 - 3) Sample Reviews
 - A) The Department, or its designated peer review organization ~~designee~~, may review a random sample of discharges to verify that the diagnostic and procedural coding, submitted by the hospital and used by the Department for DRG assignment, is substantiated by the corresponding medical records.
 - B) Code validation must be done on the basis of a review of medical records and, at the Department's discretion, may take place at the hospital or away from the hospital site.
 - 4) Revision of Coding
 - A) If the diagnostic and procedural information, in compliance with the coding attestation requirements in subsection (d)(1) of this Section, is found to be inconsistent with the hospital's coding, the hospital shall be required to provide the appropriate coding and the Department shall recalculate the payment on the basis of the revised coding.
 - B) If the information, in compliance with the coding attestation requirements in subsection (d)(1) of this Section, is found not to be

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

consistent with the medical record, the hospital shall be required to provide the appropriate coding and the Department shall recalculate the payment on the basis of the revised coding.

- e) Utilization Medical Review Requirements: The Department, or its designated peer review organization (see 89 Ill. Adm. Code 148.240(j)) ~~designee~~, may conduct pre-admission, concurrent, pre-payment, and/or post-payment reviews, as defined at 89 Ill. Adm. Code 148.240. of:
- ~~1) The medical necessity, reasonableness and appropriateness of inpatient hospital admissions and discharges.~~
 - ~~2) The quality and/or the nature of the utilization of health services.~~
 - ~~3) The medical necessity, reasonableness and appropriateness of inpatient hospital care for which additional payment is sought under the outlier provisions of Section 149.105.~~
 - ~~4) The validity of the hospital's diagnostic and procedural information.~~
 - ~~5) The completeness, adequacy and quality of the services furnished in the hospital.~~
 - ~~6) Other medical or other practices with respect to program participants or billing for services furnished to program participants.~~
- f) ~~Hospitals shall be notified at least 30 days in advance of any pre-admission, concurrent, or pre-payment review requirements imposed by the Department.~~
- g) Denial of Payment as a Result of Admissions, Length of Stay, Transfers and Quality Review
- ~~1) If the Department determines that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:
 - ~~A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission, inappropriate length of stay or discharge, subsequent readmission or transfer of an individual.~~
 - ~~B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.~~
 - ~~C) Perform prepayment review in accordance with 89 Ill. Adm. Code 148.240(e).~~~~
 - ~~2) When payment with respect to the discharge of an individual patient is denied by the Department, or its designee, under subsection (g)(1)(A) of this Section, a reconsideration will be provided within 30 days, upon the request of a~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

~~practitioner or provider, if such request is the result of the designee's own medical necessity or appropriateness of care denial determination and is received within 60 days after the Advisory Notice. The date of the Advisory Notice is counted as day one.~~

- 3) ~~A determination under subsection (g)(1) of this Section, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in actions specified in subsection (a)(2) of this Section.~~
- fh) Furnishing of Inpatient Hospital Services Directly or Under Other Arrangements
- 1) The applicable payments made under the PPS are payment in full for all inpatient hospital services other than for the services of non hospital-based physicians to individual program participants and the services of certain hospital-based physicians as described in subsections ~~(f)(h)~~(1)(B)(i) through ~~(h)(1)(B)~~(v) of this Section.
 - A) Hospital-based physicians who may not bill separately on a fee-for-service basis
 - i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.
 - B) Hospital-based physicians who may bill separately on a fee-for-service basis
 - i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.
 - ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.
 - iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.
 - iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- professional services and do, in fact, bill private patients and collect and retain the payments received.
- v) A physician holding a nonteaching administrative or staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains payments made.
 - 2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical treatment.

(Source: Amended at 26 Ill. Reg. 13676, effective Sep 3, 2002)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers</u>	<u>Adopted Action</u>
1040.107	New Section
1040.108	New Section
- 4) Statutory Authority: Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b) and 6-521(a)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].
- 5) Effective Date of Amendment: September 3, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed with the Index Department: September 3, 2002
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 3416 (March 8, 2002) and 26 Ill. Reg. 5115 (April 5, 2002).
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- 15) Summary and Purpose of Rulemaking: P. A. 92-0283 calls for driver's license sanctions for unauthorized passing of stationary emergency vehicles or failure to proceed with due caution. P.A. 87-829 became effective in January 1992. Public Act 87-829, which became effective in January 1992, calls for driver's license sanctions for failure to make a report of vehicle accident violations.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

Robert W. Mueller
Assistant General Counsel
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217-782-5356

The full text of the adopted amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1040.101 Reinstatement Fees
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105 Suspension for 5 or More Tollway Violations and/or Evasions
1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired on June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective Sep 3, 2002.

Section 1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle

- a) Defined Terms – For purposes of this Section, the following terms have the meanings ascribed in this subsection (a):

"Conviction" – adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Department" – Department of Driver Services within Section 1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle

"Miscellaneous Suspension" – a suspension with no provisional termination date. Miscellaneous Suspensions include the following:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket [625 ILCS 5/6-306.3].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Family Financial Responsibility Suspension" a suspension in accordance with Section 7-702 and/or Section 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/6-702 and 7-704].

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations [625 ILCS 5/6-306.5].

"Open Revocation" – a revocation that appears on the driving record that is in effect.

"Open Suspension" – a suspension that appears on the driving record that is in effect.

"Pending Suspension" – a suspension that appears on the driving record that is not in effect.

"Pending Revocation" a revocation that appears on the driving record that is not in effect.

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

- b) If a person has no prior, open or pending suspensions or revocations and a conviction for Section 11-907(c) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- c) If a person has 1 or more open or pending revocations and a conviction for Section 11-907(c) of the Illinois Vehicle Code is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- d) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for Section 11-907(c) of the Illinois Vehicle Code is received, the Department shall enter a 3-month suspension, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court in which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- e) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for Section 11-907(c) of the Illinois Vehicle Code is received, the Department shall enter a 3 month suspension for the first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court in which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- f) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 26 Ill. Reg. 13684, effective Sep 3, 2002)

Section 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Conviction" – an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as provided in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 and 7-704 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" – a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Miscellaneous Suspensions" – suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, unsatisfied judgment or tollway.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways; the termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.5 of the Illinois Vehicle [625 ILCS 5/6-306.5].

- b) A person who is convicted of violating Section 11-406 of the Illinois Vehicle Code for failure to make a report of a vehicle accident shall have his/her driving privileges suspended by the Department.
- c) When considering prior convictions, only convictions for failure to make a report of a vehicle accident within 7 years after the arrest date of the incoming conviction shall be considered.
- d) Upon receipt of a report of conviction for failure to make a report of a vehicle accident, the Department shall take action as follows:

TABLE

<u>Conviction</u>	<u>Action</u>
<u>1st conviction</u>	<u>2 month suspension</u>
<u>2nd conviction</u>	<u>4 month suspension</u>
<u>3rd or subsequent conviction</u>	<u>6 month suspension</u>

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- e) If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for 1 year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of suspension (excluding miscellaneous suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

(Source: Added at 26 Ill. Reg. 13684, effective Sep 3, 2002)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers</u>	<u>Emergency Action</u>
406.2	Amended
406.13	Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) Effective Date of Amendments: August 30, 2002
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: August 30, 2002
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The emergency rules clarify that a caregiver does not have to reduce the preschool maximum number of children by the number of the school-age children residing in the home. The rule, as it was written, has been interpreted to require the caregiver to count school-age children against the maximum number of preschool children that can be in the home. This interpretation would reduce available preschool slots when there already is a shortage of such slots in the state. The rule has also caused confusion among federal auditors for the U.S. Department of Agriculture Child and Adult Care Food Program.
- 10) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 406 as follows:

A definition of "preschool" is added to Section 406.2. Section 406.13 is amended to allow a caregiver and an assistant to care for up to 8 preschool children without reducing preschool capacity by the number of school-age children residing in the home.
- 11) Are there any other amendments pending to this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This amendment does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1 Purpose

406.2 Definitions

EMERGENCY

406.3 Effective Date of Standards (Repealed)

406.4 Application for License

406.5 Application for Renewal of License

406.6 Provisions Pertaining to the License

406.7 Provisions Pertaining to Permits

406.8 General Requirements for Day Care Homes

406.9 Characteristics and Qualifications of the Day Care Family

406.10 Qualifications for Assistants

406.11 Substitutes

406.12 Admission and Discharge Procedures

406.13 Number and Ages of Children Served

EMERGENCY

406.14 Health and Medical Care

406.15 Discipline of Children

406.16 Activity Requirements

406.17 Nutrition and Meals

406.18 Transportation of Children By Day Care Home

406.19 Swimming

406.20 Children with Special Needs

406.21 School Age Children

406.22 Children Under 30 Months of Age

406.23 Night Care

406.24 Records and Reports

406.25 Confidentiality of Records and Information

406.26 Cooperation with the Department

406.27 Severability of This Part

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

APPENDIX B Meal Pattern Chart for Children Over One Year of Age

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent
Licensure or Employment in a Day Care Home
- APPENDIX D In-Service ~~In-service~~ Training

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

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days

Section 406.2 Definitions**EMERGENCY**

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

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

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

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

"Assistant" or "child care assistant" means a person (whether a volunteer or an

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

employee) who assists a licensed home caregiver in the operation of the day care home.

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

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

"Background check" means:

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

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

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department.

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

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

Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.

Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that prevents full awareness of environmental sounds and spoken

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

language, limiting normal language acquisition and learning.

Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.

Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.

Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.

Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.

Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

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

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

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

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

"Department" means the Illinois Department of Children and Family Services.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Section 2.02 of the Child Care Act of 1969)

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

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

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

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

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

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

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Registry.

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

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

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of children receiving child care under age 12 permitted in the home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

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

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

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

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

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

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

"Persons subject to background checks" means:

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

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

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days)

Section 406.13 Number and Ages of Children Served**EMERGENCY**

- a) The maximum number of children under the age of 12 cared for in a day care home by a caregiver alone shall be 8. The maximum number shall be 12 when the caregiver has an assistant. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home.
- a) ~~The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.~~
- b) The maximum number of preschool age children cared for in a day care home shall be 8, including the caregiver's own preschool children and other related and unrelated preschool children living in the home.
- c) ~~b)~~ A caregiver alone may care for:
 - 1) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 5 children may be under the age of 5, of which
 - C) Up to 3 children may be under 24 months of age.
 - 2) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 6 children may be under the age of 5, of which
 - C) Up to 2 children may be under 30 months of age.
 - 3) A school age group consisting of 8 school age children, as defined in Section 406.2.
- d) A caregiver and an assistant may care for a total of 8 children under 5 years of age of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- which up to 5 children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over. The total number of children under the age of 12 in the home shall not exceed the maximum of 12 children. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.
- e) In addition to the children who may receive child care in accordance with subsection (c)(b) above, a caregiver may ~~care for~~ ~~accept~~ 4 additional children who are attending school full-time outside of the home if a before and/or after school assistant is employed. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school age school children are present and there are more than 8 children in the home.
- d) ~~A caregiver and an assistant may care for a total of 8 children under 5 years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over. The total number of children under the age of 12 in the home shall not exceed the maximum of 12 children. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.~~
- f) Any children under age 12 living in the home who are receiving home schooling shall be counted in the maximum of 8 children in subsections (b), (c), and (d), unless another parent or caregiver is providing the schooling apart from the day care area and the caregiver has no responsibility for care or supervision or schooling of the children during the hours home day care is provided.
- g)e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- h)f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Public Museum Grants Program
- 2) Code Citation: 23 Ill. Adm. Code 3200
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
3200.10	Amendment
3200.15	Amendment
3200.20	Amendment
3200.35	New Section
3200.40	Amendment
3200.60	Amendment
3200.65	Amendment
3200.70	Amendment
3200.80	Amendment
3200.90	Amendment
3200.100	Amendment
3200.120	Amendment
3200.130	Amendment
3200.160	Amendment
3200.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].
- 5) Effective Date of Emergency Amendment: August 29, 2002
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will remain in effect for the 150-day period.
- 7) Date filed with the Index Department: August 28, 2002
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments accommodate the General Assembly's determination to expand grant eligibility criteria for the capital improvement grants program operated by the Department of Natural Resources. The expansion redefines public museum to include some performing arts organizations. The General

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

Assembly's action also changed the match requirements and eligibility criteria.

SB 2287/PA 92-606, which amended the substantive authority for the grant program, was approved at the end of the legislative session as part of the overall package of budget bills for fiscal year 2003.

Charitable donations to Illinois museums have declined in the past year. For many museums, visitation, donations, and earned income have decreased which impairs the museums' abilities to operate effectively. As a result, the communities in which the museums are located are adversely affected. The public interests in comprehensive educational experiences and in securing the financial viability of their community's grant recipient is part of the impetus for these emergency amendments.

State grant funding for museums has become a key element in many museum's budgets. Museums have relied on the funding in the last four years to undertake and complete crucial renovation and expansion projects. This year the announcement of museum grant funding was delayed because of substantive changes in the legislation, which requires this revision of the Illinois Public Museum Grant Program rules.

- 10) A Complete Description of the Subjects and Issues Involved: These emergency amendments accommodate a legislative determination to expand the eligibility criteria for an ongoing capital improvement grant program operated by the Department of Natural Resources. The expansion allows performing arts groups to compete for funding with museums. The legislative action also revised funding match requirements.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Stanley Yonkauski, Jr.
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER II: DEPARTMENT OF NATURAL RESOURCESPART 3200
PUBLIC MUSEUM GRANTS PROGRAM

SUBPART A: CAPITAL GRANTS PROGRAM

Section

3200.5 Authority
3200.10 Definitions

| EMERGENCY

3200.15 Purpose

| EMERGENCY

3200.20 Eligibility Criteria

| EMERGENCY

3200.30 Funding Determination (Repealed)

3200.35 Certification by a Unit of Local Government

| EMERGENCY

3200.40 Application Procedure

| EMERGENCY

3200.50 Application Schedule

3200.60 Review Criteria and Selection Procedure

| EMERGENCY

3200.65 Awards

| EMERGENCY

3200.70 Eligible Expenses

| EMERGENCY

3200.80 Process for Payment

| EMERGENCY

3200.90 Program Information/Contact

| EMERGENCY

SUBPART B: PUBLIC MUSEUM OPERATING GRANT RULES

Section

3200.100 Definitions

| EMERGENCY

3200.110 Purpose

| 3200.120 Eligibility Criteria for Applicant Facilities

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

3200.130 Application Procedure

EMERGENCY

3200.140 Application Schedule

3200.150 Review Procedure

3200.160 Method for Awarding Grants

EMERGENCY

3200.165 Process for Payment

3200.170 Program Information/Contact

EMERGENCY

AUTHORITY: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 18, effective March 1, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 18, p. 113, effective April 22, 1980; amended at 5 Ill. Reg. 5649, effective May 18, 1981; codified at 8 Ill. Reg. 1448; amended at 10 Ill. Reg. 4536, effective February 28, 1986; recodified from the Department of Energy and Natural Resources to the Department of Natural Resources at 22 Ill. Reg. 11230; emergency amendment at 22 Ill. Reg. 17381, effective September 17, 1998, for a maximum of 150 days; emergency expired February 13, 1999; emergency amendment at 22 Ill. Reg. 22097, effective December 3, 1998, for a maximum of 150 days; emergency expired May 1, 1999; amended at 23 Ill. Reg. 11926, effective September 15, 1999; emergency amendment at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days

SUBPART A: CAPITAL GRANTS PROGRAM

Section 3200.10 Definitions**EMERGENCY**

“Attendance” means the documented number of visitors at the public museum’s facility or facilities for the preceding calendar year.

"Capital Expenditure" means an outlay of capital that results in the acquisition of property or permanently improves its value or usefulness. For purposes of this program, capital expenditures include, but are not limited to, one or more of the following: land and building acquisition; demolition (in preparation for additional work); site preparation and improvement; utility work; new construction, rehabilitation, major renovations, or expansion of buildings and structures; original furnishings and equipment; replacement of currently utilized assets, by a better asset including permanent exhibits; and any other work that significantly increases the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

service potential of a building, structure, or exhibit as well as necessary project management fees and associated architectural planning and engineering design services. Acquisition of museum collections, objects, or specimens is not considered a capital expenditure.

"Care" means the keeping of adequate records pertaining to the provenance, identification and location of the museum's holdings, and the application of current professionally accepted methods to their security and to the minimization of damage and deterioration.

"Certification" means an attestation by a unit of local government that a museum, which is not operated by or located on land owned by a unit of local government, meets the eligibility criteria established in State law.

"Community" means the population base normally served by the public museum.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Fiscal Agent" means an affiliated entity that may expend and receive funds on behalf of the public museum. If grant funds are to be distributed to a fiscal agent on behalf of the public museum, the chief executive officer of the public museum must sign a statement certifying ~~A certification statement must be signed by the chief executive officer of the public museum if grant funds are to be distributed to a fiscal agent on behalf of the public museum. The certification shall reflect:~~

that there is an ongoing relationship between the public museum and the fiscal agent;

that the fiscal agent may incur expenses for the public museum's project; and

that grant funds will be used specifically for the public museum's museum project.

"Matching Funds" means local government and/or private funds committed to the proposed project equal to at least two thirds of the incurred capital expenditures considered integral to the overall approved grant project scope. ~~Matching funds cannot include federal or other State funds.~~

"Nonprofit" means that the public museum has documentary evidence of its tax-

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

exempt status under the regulations of the U.S. Internal Revenue Service.

"Organized" means that the public museum is a duly constituted body with expressed responsibilities.

"Permanent" means that the public museum has existed for at least 2 years and is expected to continue in perpetuity.

"Professional Staff" means that the public museum has at least one paid employee, who commands an appropriate body of special knowledge and the ability to reach museological, zoological, aquarium, or botanical (whichever shall be applicable) decisions consonant with the experience of his or her peers, and who has access to and acquaintance with the literature of the field, and that such employee works sufficient hours to meet adequately the current demands of administration and care.

"Public Museum" means a facility ~~that has been open to the public, for its instruction and enjoyment for at least two years and~~ that is operating for the purposes of promoting cultural development through special activities or programs or performing arts and acquiring, conserving, preserving, studying, interpreting, enhancing, and, in particular, organizing and continuously exhibiting (subject to temporary interruption due to construction or catastrophe) specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import.

"Schedule" means regular and predictable hours which constitute substantially more than a token opening, so that access is reasonably convenient to the public.

"Tangible Objects" means specimens, artifacts, articles, documents; non-domesticated plants or animals, including fish; and other things of historical, anthropological, archeological, industrial, scientific or artistic import that form the public museum collections and have intrinsic value to history, science, art or culture.

"Unit of Local Government" means counties, municipalities, townships, special districts and units, designated as units of local government by Illinois law, which exercise limited governmental power or powers in respect to limited governmental subjects, but does not include school districts.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.15 Purpose

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

The Public Museum Capital Grants Program is designed to help public museums in Illinois expand and upgrade facilities and create new exhibits and other physical facilities to enhance the public museums' abilities ~~ability~~ to meet their educational mission. ~~The program provides up to 33% funding assistance on a reimbursement basis to eligible applicants for approved capital expenditures on public museum facilities.~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.20 Eligibility Criteria**EMERGENCY**

- a) ~~A~~ Any public museum located in Illinois shall be eligible to submit one application per grant cycle ~~for grants~~ for capital purposes if it establishes to the reasonable satisfaction of the Director that:
- 1) ~~a)~~ It is a public museum that has been open to the public, for its instruction and enjoyment, for at least two years; in existence for two years and that is operated by or located upon land owned by a unit of local government;
 - 2) It is operated by or located upon land owned by a unit of local government or has been certified as a public museum in accordance with Section 3200.35;
 - 3) ~~b)~~ It is an organized, permanent institution that is tax exempt under the regulations of the U.S. Internal Revenue Service;
 - 4) ~~e)~~ It meets generally accepted professional standards as in the accreditation programs of the American Association of Museums, American Zoo and Aquarium Association, American Association of Botanical Gardens and Arboretums, and other appropriate organizations;
 - 5) ~~d)~~ It has a professional staff;
 - 6) ~~e)~~ It cares for and owns or utilizes tangible objects;
 - 7) ~~f)~~ It is open to the public on a regular schedule and regularly collects attendance data and maintains sufficient records such that the attendance numbers can be audited;
 - g) ~~It devotes the majority of its floor space or grounds and professional staff effort to museological purposes;~~
 - 8) It presents regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;
 - h) ~~It can match a State grant with \$2 of local or private support for each \$1 of State money; and~~
 - 9) ~~It has filed timely reports and complied with requirements for previous grant awards; and;~~
 - 10) It can provide matching funds of the following amounts:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- A) \$2 matching funds for each \$1 of State money for a public museum with an attendance of 600,000 or more during the preceding calendar year; or
 - B) \$1 of matching funds for each \$1 of State money for a public museum with an attendance of over 300,000 but less than 600,000 during the preceding calendar year; or
 - C) No matching funds are required for a public museum with an attendance of 300,000 or less during the preceding calendar year.
- b) Grants to public museums not located on public property may be prohibited if the appropriation funding source is limited to bond funds that may not be expended on private property.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.35 Certification by a Unit of Local Government**EMERGENCY**

- a) Museums with an annual indoor attendance of 150,000 or more, which are not operated by or located on land owned by a unit of local government, must provide a certification by a unit of local government to show eligibility for grant funding. The certification is an attestation by the unit of local government that a museum, which is not operated by or located on land owned by a unit of local government, meets eligibility criteria established in State law.
- b) Museums located within the boundaries of a municipality must submit a certification approved by the municipality's elected governing body. Museums located outside municipal boundaries must submit a certification approved by the county's elected governing body. The approved certification must be submitted at the time of application. The certification may be subject to audit. The certification must be in the form and approved using the process normally used by the unit of local government for similar resolutions or actions. The certification must attest that the museum:
 - 1) is operating for the purposes of promoting cultural development through special activities or programs or performing arts, and acquiring, conserving, preserving, studying, interpreting, enhancing, and in particular, organizing and continuously exhibiting specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import, to the public for its instructions and enjoyment; and
 - 2) has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- c) Public museums operated by or located on land owned by a unit of local government are not required to provide this certification.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.40 Application Procedure**EMERGENCY**

- a) A Any public museum seeking a grant for capital purposes in the current year shall submit the required number of copies of send 5 copies of a completed application, as specified supplied by the Department, and one copy of each attachment, that includes:
- 1) Application Form.
 - 2) Statement by the chief executive officer of the public museum attesting: Certification Statement executed by the chief executive officer of the public museum that states that the museum is in compliance with the eligibility criteria of this program:
 - A) that the public museum is in compliance with the eligibility criteria of this program;
 - B) that adequate records are kept to document the annual attendance number at the public museum's facility during the preceding calendar year; and
 - C) that if grant funds are to be distributed to a fiscal agent on behalf of the public museum, there is an ongoing relationship between the public museum and the fiscal agent, that the fiscal agent may incur expenses for the public museum's project; and that grant funds will be used specifically for the project.
 - 3) Project Narrative Statement.
 - 4) Development Data Form including costs, a conceptual plan, and construction schedule.
 - 5) Land Acquisition Data, if applicable.
 - 6) The annual report of the public museum for the year preceding its application.
 - 7) Cultural Resources, Endangered Species and Wetlands Review Report (CERP).
 - 8) ~~If funds are to be distributed by the Department to a fiscal agent on behalf of the public museum, a certification statement must be signed by the chief executive officer of the public museum. The certification will state:~~
 - A) ~~that there is an ongoing relationship between the museum and the fiscal agent;~~
 - B) ~~that the fiscal agent may incur expenses for the museum's project; and~~
 - C) ~~that grant funds will be used specifically for that project.~~
- b) If a museum is not operated by or located on land owned by a unit of local government, it must submit a Certification in accordance with Section 3200.35.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

~~Public museums may submit only one application during an application period.~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.60 Review Criteria and Selection Procedure**EMERGENCY**

- a) Technical and Program Review
Department staff will review the project application for:
- 1) Completeness of application.
 - 2) Evidence that the public museum meets all eligibility criteria, as defined in Section 3200.20.
 - 3) Evidence that the project is part of a capital planning process.
 - 4) ~~3~~ Project's feasibility with regard to operational capacities of the public museum.
 - 5) ~~4~~ Adequacy of cost estimates and construction schedule estimates.
 - 6) ~~5~~ Evidence of community support and meeting ~~Meeting~~ community needs.
 - 7) ~~6~~ Effectively enhancing the public museum's ability to meet its ~~educational~~ mission.
 - 8) ~~7~~ Expanding audiences, including reaching underserved groups.
 - 9) ~~8~~ Compliance with requirements of previous grant awards.
- b) Peer Review Panel
- 1) The Director will appoint a panel of 5 citizens with backgrounds and experience relevant to the activities of public museums and their educational contributions who will review proposals and then make recommendations for funding. Such citizens shall not be current employees of any museums in the State of Illinois that are eligible to apply for this grant program. The Director shall have the authority to call upon the expertise of non-residents of the State for additional advice on the program and its administration.
 - 2) Names of candidates for the peer review panel will be solicited from museums throughout Illinois.
- c) Staff Recommendation
Department staff will evaluate proposals based on criteria outlined above, consider recommendations from the peer review panel, and recommend to the Director priorities for funding. Priority may be given to projects where public museums demonstrate community support through matching funds in excess of what is required.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

Section 3200.65 Awards**EMERGENCY**

- a) Award Limit. The Department shall establish on an annual basis the maximum grant award a public museum may receive; however, the maximum grant award shall be no more than ~~10%~~ 20% of the annual appropriation, excluding funds that may be reappropriated from a preceding year. The Department shall announce the maximum grant award in conjunction with announcing the annual grant application schedule.
- b) Reappropriation of Funds. Reappropriation of funds will be sought for projects approved for funding that have not been completed and reimbursement sought in the fiscal year that the project was approved.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.70 Eligible Expenses**EMERGENCY**

Eligible Expenses are defined as:

- a) Expenses that meet the definition of Capital Expenditures as defined in Section 3200.10.
- b) Expenses that are pursuant to the scope of work as agreed upon and approved by the Department. Grant funds ~~The State's one-third match~~ can only be used for capital expenditure costs incurred after July 1 of the fiscal year in which the grant award is made. ~~Expenditures incurred back to July 1, 1998 may be eligible for reimbursement if the public museum received a capital grant in FY99 and if the proposed project is an integral component of the FY99 project and was not reimbursed in the FY99 grant award.~~
- c) Expenses incurred directly by the public museum, or expenses incurred specifically for the public museum's project by the public museum's fiscal agent.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.80 Process for Payment**EMERGENCY**

- a) The public museum or fiscal agent representing the public museum enters into a Project Agreement with the Department.
- b) Public museums ~~that who~~ have been awarded capital grants must submit project billing documentation ~~requests (expenditure statements), certified by the public~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

~~museum's chief executive officer or chief financial officer~~, listing and verifying all funds expended on the project for which grant reimbursement is sought; as well as required billing documentation as follows:

- 1) Acquisition of Property: Proof of good faith negotiations or fair market value offer to land seller, and documentation ~~copy of warranty deed (Judgment Order in case of condemnation and title insurance for any deed less than warranty)~~ showing ownership transferred to the public museum or fiscal agent and local project sponsor, ~~and copies of documents~~ showing proof of payment to seller.
- 2) Development of Permanent Improvements: Public Museum Capital Grant expenditure statement certified by the chief executive officer or chief financial officer. Copy of receipts/invoices for project costs, and copy of documents showing proof of payment.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.90 Program Information/Contact**EMERGENCY**

Illinois State Museum, Museum Grant's Program Office
502 S. Spring Street ~~Spring and Edwards Streets~~
Springfield, IL 62706-5000
Phone: 217.782.5992
~~email: museumgrants@museum.state.il.us~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

SUBPART B: PUBLIC MUSEUM OPERATING GRANT RULES

Section 3200.100 Definitions**EMERGENCY**

"Attendance" means the documented number of visitors at the public museum's facility or facilities for the preceding calendar year.

"Care" means the keeping of adequate records pertaining to the provenance, identification and location of the museum's holdings, and the application of current professionally accepted methods to their security and to the minimization of damage and deterioration.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

"Community" means the population base normally served by the museum.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Fiscal Agent" means an affiliated entity which may expend and receive funds on behalf of the public museum. If grant funds are to be distributed to a fiscal agent on behalf of the public museum, the chief executive officer of the public museum must sign a statement certifying: A certification statement must be signed by the chief executive officer of the public museum if grant funds are to be distributed to a fiscal agent on behalf of the public museum. The certification shall state:

that there is an ongoing relationship between the museum and the fiscal agent;

that the fiscal agent may incur expenses for the museum's project; and

that grant funds will be used specifically for the public museum project.

"Museum Education Program" means utilizing the resources of the museum for formal or informal learning opportunities for school children, teachers, or other citizens through face to face interactions or through educational technology, including educational technology partnerships. The public museum shall have at least one employee who devotes the preponderance of his/her time to offer "Museum Education Programs". This person is expected to command an appropriate body of special knowledge in museum education consonant with the experience of his or her peers, to have access to and acquaintance with the literature of the field, and to work sufficient hours to meet adequately the current demands for museum educational services.

"Nonprofit" means that the public museum has documentary evidence of its tax-exempt status under the regulations of the U.S. Internal Revenue Service.

"Operating Expenditures" means funds actually expended by a public museum or its fiscal agent for the recurring day-to-day expenses that are ordinary and necessary to maintain and operate the facility for its principal purpose as a public museum. These expenditures shall include:

the total amount of program and supporting services expenses (management and general) and fundraising expense that is reported on the entity's audited financial statements;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

depreciation expense for the buildings, movable equipment, and other types of personal property; and

interest expenses on funds borrowed to finance operating expenditures.

"Organized" means that the public museum is a duly constituted body with expressed responsibilities.

"Permanent" means that the public museum has existed for at least 2 years and is expected to continue in perpetuity.

"Professional Staff" means that the public museum has at least one paid employee who commands an appropriate body of special knowledge and the ability to reach museological, zoological, aquarium, or botanical (whichever shall be applicable) decisions consonant with the experience of his or her peers, who has access to and acquaintance with the literature of the field, and who works sufficient hours to meet adequately the current demands of administration and care.

"Public Museum" means a facility ~~that has been open to the public, for its instruction and enjoyment, for at least two years and~~ that is operating for the purposes of promoting cultural development through special activities or programs or performing arts, and acquiring, conserving, preserving, studying, interpreting, enhancing, and, in particular, organizing and continuously exhibiting (subject to temporary interruption due to construction or catastrophe) specimens, artifacts, articles, documents and other things of historical, anthropological, archaeological, industrial, scientific or artistic import.

"Schedule" means regular and predictable hours that constitute substantially more than a token opening, so that access is reasonably convenient to the public (subject to temporary interruption due to construction or catastrophe).

"Tangible Objects" means specimens, artifacts, articles, documents; non-domesticated plants or animals, including fish; and other things of historical, anthropological, archeological, industrial, scientific or artistic import that form the public museum's collections and have intrinsic value to history, science, art or culture.

"Unit of Local Government" means counties, municipalities, townships, special districts and units, designated as units of local government by Illinois law, that exercise limited governmental power or powers in respect to limited governmental subjects, but does not include school districts.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.120 Eligibility Criteria for Applicant Facilities**EMERGENCY**

~~A public museum located in Illinois shall be eligible to submit one application per grant cycle for operating purposes if it establishes to the reasonable satisfaction of the Director that Any public museum located in Illinois shall be eligible for financial support through the operating grant program for its museum education program if it establishes to the reasonable satisfaction of the Director that:~~

- a) It is a public museum that is operated by or located upon land owned by a unit of local government or has an annual indoor attendance of at least 150,000 and offers educational programs to school groups during school hours;
- ~~b) It has been open to the public, for its instruction and enjoyment, for at least two years;~~
- ~~c) It is an organized, permanent institution that is tax exempt under the regulations of the U.S. Internal Revenue Service;~~
- ~~d) It meets generally accepted professional standards as in the accreditation programs of the American Association of Museums, American Zoo and Aquarium Association, American Association of Botanical Gardens and Arboretums and other appropriate organizations;~~
- ~~e) It has a professional staff;~~
- ~~f) It cares for and owns or utilizes tangible objects;~~
- ~~g) It is open to the public on a regular schedule, and regularly collects attendance data and maintains sufficient records such that the attendance numbers can be audited;~~
- ~~g) It devotes the majority of its floor space or grounds and professional staff effort to museological purposes;~~
- ~~h) It presents regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;~~
- ~~i) It has an established Museum Education Program; and~~
- ~~i) It has filed timely reports and complied with requirements for previous grant awards.~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.130 Application Procedure**EMERGENCY**

- ~~a) — A public museum seeking a grant for operating purposes in the current year shall submit the required number of copies of a completed application, as specified by the Department,~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

~~which includes Any public museum seeking a grant for operating purposes under this Part shall submit 3 copies of the completed application forms supplied by the Department, and one copy of each attachment, that includes:~~

- ~~a)1)~~ An Application Form;
- ~~b)2)~~ A narrative statement describing the public museum's education program and how the financial assistance will enhance the public museum education program;
- ~~c)3)~~ A statement describing the qualifications of the educator in charge of the program (including the curriculum vitae);
- ~~d)4)~~ A brochure describing educational offerings or school services (if available);
- ~~e)5)~~ The annual report of the public museum for the year preceding its application;
- ~~f)6)~~ A ~~certification~~ statement executed by the public museum's chief executive officer that certifies that the public museum is in compliance with the eligibility criteria of this program;
- ~~g)7)~~ A ~~certification~~ statement ~~executed signed~~ by the public museum's chief financial officer that ~~certifies states~~ that the amount of operating expenditures claimed in accordance with Section 3200.160 of this Part is accurate and complies with this Part;
- ~~h)8)~~ The audited financial statements of the public museum prepared by a certified public accountant for the 2 years preceding the public museum's application and the written reconciliation statement as required by Section 3200.160(c)(3) of this Part. Grants to museums without audited financial statements will be limited to the minimum award;
- ~~i)9)~~ An audit statement from an affiliated entity, or a letter of certification listing expenditures and signed by the chief executive officer of the affiliated entity if expenditures have been made by the affiliate on behalf of the public museum and claimed by the public museum as operating expenditures;
 - ~~10) If funds are to be distributed by the Department to a fiscal agent on behalf of the public museum, a certification statement must be signed by the chief executive officer. The certification shall reflect:
 - ~~A) that there is an ongoing relationship between the museum and the fiscal agent;~~
 - ~~B) that the fiscal agent may incur expenses for the museum's project; and~~
 - ~~C) that grant funds will be used specifically for the museum project.~~~~
- ~~j)~~ Statement by the chief executive officer of the public museum attesting:
 - ~~1) that the public museum is in compliance with the eligibility criteria of this program;~~
 - ~~2) that adequate records are kept to document the annual attendance number at the public museum's facility during the preceding calendar year; and~~
 - ~~3) that if grant funds are to be distributed to a fiscal agent on behalf of the public museum, there is an ongoing relationship between the public museum and the fiscal agent, that the fiscal agent may incur expenses for the public museum's~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

project; and that grant funds will be used specifically for that project.

~~b) Public museums may submit only one grant application during an application period.~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.160 Method for Awarding Grants**EMERGENCY**

- a) Contribution Amount – Each eligible public museum applying for financial assistance pursuant to this Part may receive financial assistance in an amount determined by the following formula:
- 1) A proportionate amount equal to the fraction obtained by dividing the applicant's average operating expenditures by the aggregate operating expenditures of all eligible applicants, except that:
 - A) The administrative costs to operate the program, not to exceed 5% of the total appropriation, will be deducted from the appropriation before calculating the awards to determine the amount remaining for financial assistance.
 - B) No qualifying **public** museum may receive more than 10% of the amount remaining for financial assistance after administrative costs are deducted.
 - C) Except as provided in subsection (a)(3) below, no qualifying museum may receive less than 0.2% of the amount remaining for financial assistance after administrative costs are deducted.
 - D) No qualifying museum may receive more than 50% of its total operating budget.
 - 2) In the event there is a balance left after the awards have been computed, the surplus will be allocated to museums on a prorated basis. The surplus balance shall be allocated proportionately to those museums not receiving the minimum or maximum awards from the initial computations. No museum may receive more than 10% of the amount remaining for financial assistance, after administrative costs have been deducted, and no museum may receive more than 50% of its total operating budget.
 - 3) In the event there is a deficit after the awards have been computed, the amount of the deficit will be prorated against all awards. The amount of deficit prorated to each award will be calculated by taking the initial award allocations as calculated above, including the adjustments for minimums and maximums divided by the aggregate awards to determine the allocation fraction and applying it to the deficit. The result will be subtracted from the initial award amount.
- b) Allocation Procedure – A contribution amount shall be determined by the following

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

sequence of procedures:

- 1) The total operating expenditures of each public museum during its 2 fiscal years preceding its application shall be divided by 2 in order to determine the amount of average operating expenditures of each public museum;
 - 2) The average operating expenditures of all eligible public museums shall be added together in order to determine the amount of aggregate operating expenditures of all public museums;
 - 3) The average operating expenditures of each public museum shall be divided by the aggregate operating expenditures of all public museums in order to determine the allocation fraction of each public museum:
 - A) If the allocation fraction is more than 10% of the amount remaining for financial assistance, the award will be adjusted as required in subsection (a)(1)(B).
 - B) If the allocation fraction is less than 0.2% of the amount remaining for financial assistance, the award will be adjusted as defined in subsection (a)(1)(C).
- c) Operating Expenditures – For purposes of this Part, the amount of operating expenditures, as defined in Section 3200.100, shall be derived by the public museum from the total amount of program and supporting services expense that is reported on its audited financial statement. However, to accommodate variations among applicants in accounting methods and expense descriptions on the financial statements, each public museum shall examine its financial statements in conformity with subsections (c)(1) and (2).
- 1) Operating expenditures may specifically include the following or similar type of expenses:
 - A) Expenditures from restricted and unrestricted accounts that are ordinary and necessary for the public museum's routine day-to-day operations, including salaries and benefits, products and services, and routine maintenance and repairs. Restricted funds are those whose use is restricted by outside agencies or persons as contrasted with funds over which the organization has complete control and discretion. Unrestricted funds are those that have no external restriction on their use or purpose, that is, funds that can be used for any purpose designated by the governing board as distinguished from funds restricted externally for specific purposes (for example, operations, plant, and endowment).
 - B) The depreciation expense for capital assets may be included.
 - C) All expenditures from current restricted accounts that qualify as operating expenditures as defined under this subsection (c). Excluded from operating expenses are the capital expenditures listed in subsection (c)(2)(E). For example, expenditures related to the development of museum exhibitions and displays may be included even if made from a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

fund that is limited for this purpose. Expenditures from restricted accounts for preliminary planning or schematic design work are also allowable, including architectural, engineering, design, and consultant fees related to routine maintenance or rehabilitation.

- D) Direct expenditures made on behalf of the public museum by an affiliated entity, provided that they are ordinary and necessary for the day-to-day operations of the public museum and are separately itemized and verified in writing by the chief executive officer or chief financial officer affiliated entity. As used in this subsection (c)(1)(D), "direct expenditures" means expenditures that are identified specifically with the public museum and are incurred by the affiliated entity only for the museum's project.
 - E) The depreciation expense for movable equipment and other types of personal property may be included.
 - F) Interest expenses on funds borrowed by the public museum to finance expenditures that are otherwise allowable under this Part.
 - G) Expenses incurred by the public museum for the cost of educational, food service and gift shop activities may be included in the operating expenditure total. The receipts from these activities should not be deducted from the expenditure total.
- 2) Operating expenditures shall not include any of the following or similar types of expenses:
- A) Transfers made to or between the public museum's accounts or funds;
 - B) Losses or other costs associated with loans and/or investments made by the public museum;
 - C) Expenses for the direct and indirect costs of programs operated by the public museum that are unrelated to museological purposes. For example, the costs of salaries, equipment, facilities and other direct and indirect costs of a school with a regular curriculum that is run by the public museum are not allowable;
 - D) Capital expenditures from restricted accounts, including but not limited to:
 - i) real property;
 - ii) buildings, additions and/or structures (including site development and associated fixed equipment);
 - iii) extensive remodeling and/or rehabilitation work or site improvement; and
 - iv) utilities – lines fees, tapping fees, meter fees and other expenses not related to normal daily consumption;
 - E) Expenditures for repayment of principal on funds borrowed by the public museum.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- 3) If the amount of operating expenditures claimed by the public museum under this Part is not the same as a reported expense amount on the audited financial statement, the public museum shall prepare a reconciliation statement. This explanation shall describe in detail for the reviewer to understand the amount and purpose of each expense added to or subtracted from the amount of expense reported in the audited financial statements in arriving at operating expense.
- d) The Director shall determine and approve the amount that each eligible public museum receives as contribution under this Part.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

Section 3200.170 Program Information/Contact**EMERGENCY**

For additional information on the public museum operating grant rules contact:

Illinois State Museum, Museum Grants Office
502 S. Spring Street ~~Spring and Edwards Streets~~
Springfield IL 62706-5000
Phone: 217.782.5992; Fax: 217.782.1254
~~email: museumgrants@museum.state.il.us~~

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 13706, effective August 29, 2002, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 27, 2002 through September 3, 2002 and have been scheduled for review by the Committee at its September 10, 2002 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/10/02	<u>Department of Agriculture</u> , Definitions (8 Ill. Adm. Code 20)	7/5/02 26 Ill. Reg. 9475	9/10/02
10/10/02	<u>Department of Agriculture</u> , Livestock Auction Markets (8 Ill. Adm. Code 40)	7/5/02 26 Ill. Reg. 9482	9/10/02
10/10/02	<u>Department of Agriculture</u> , Diseased Animals (8 Ill. Adm. Code 85)	7/5/02 26 Ill. Reg. 9487	9/10/02
10/10/02	<u>Department of Agriculture</u> , Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105)	7/5/02 26 Ill. Reg. 9509	9/10/02
10/10/02	<u>Department of Agriculture</u> , Illinois Pseudo-rabies Control Act (8 Ill. Adm. Code 115)	7/5/02 26 Ill. Reg. 9516	9/10/02
10/10/02	<u>Department of Agriculture</u> , Illinois Noxious Weed Law (8 Ill. Adm. Code 220)	3/29/02 26 Ill. Reg. 4464	9/10/02
10/10/02	<u>Department of Agriculture</u> , Insect Pest and	4/12/02	9/10/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Plant Disease Act (8 Ill. Adm. Code 240)	26 Ill. Reg. 5214	
10/10/02	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	7/5/02 26 Ill. Reg. 9563	9/10/02
10/10/02	<u>Department of Insurance</u> , Payment of Annual Compliance Fees for Pension Funds (50 Ill. Adm. Code 4415)	4/12/02 26 Ill. Reg. 5300	9/10/02
10/10/02	<u>Department of Central Management Services</u> , Merit and Fitness (80 Ill. Adm. Code 302)	7/12/02 26 Ill. Reg. 10084	9/10/02

PROCLAMATIONS**2002-450****September 3-7, 2002, as Payroll Week**

WHEREAS, the American Payroll Association and its 20,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 135 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and

WHEREAS, payroll professionals in Illinois play a key role in maintaining Illinois' 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 collectively spend more than \$15 billion annually complying with a myriad of federal and state wage and tax laws; and

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and making sure they comply with their child support mandates; and

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss both improving compliance with government procedures and how compliance can be achieved at less cost to both government and businesses;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 3-7, 2002, as PAYROLL WEEK in Illinois, and give additional support to the efforts of the people who work in Illinois and of the payroll profession.

Issued by the Governor August 28, 2002

Filed by the Secretary of State September 03, 2002

2002-451**September 6, 2002, as Robert J. Howlett Day**

WHEREAS, Robert J. Howlett is a 29-year veteran of the Illinois Secretary of State, Department of Police and was appointed Director of the Department of Police on January 1, 1997; and

WHEREAS, Director Howlett has held many assignments within the Department of Police which include Commander of District 3, Commander of the Auto Theft Unit, Assistant Director of Training and Special Operations Commander; and

WHEREAS, Director Howlett has specialized in the management of Emergency Response and has designed training programs for those that manage Emergency Response, Critical Incident and Crowd Management. He has been requested to consult police in several difficult large crowd situations. Security of public property has been a major part of his career. He has more recently specialized in Domestic Terrorism and has become an expert in the field; and

WHEREAS, Director Howlett is very active with the law enforcement community; has been a member of the Coordinating Counsel Against Auto Theft, the Steering Committee that established the Illinois Law Enforcement Intelligence Network, the Program Evaluation Committee for the Lincolnland Police Training Center; and is the Vice-Chairman of the Illinois Police Memorial Committee; and

WHEREAS, Director Howlett is a graduate of the State Police Academy, Chicago Police Academy, and the FBI Academy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 6, 2002, as ROBERT J. HOWLETT DAY in Illinois.

Issued by the Governor August 28, 2002

Filed by the Secretary of State September 03, 2002

2002-452

September 2002 as Prostate Cancer Awareness Month

WHEREAS, prostate cancer is the most commonly diagnosed non-skin form of cancer and the second leading cause of cancer-related deaths among men; and

WHEREAS, the American Cancer Society estimates that 56,800 new cancer cases will be diagnosed this year in Illinois and 9,000 will involve cancer of the prostate, resulting in an estimated 1,400 deaths from prostate cancer; and

WHEREAS, this issue needs to be brought to the forefront, not only in educating men about the disease, but reminding them of the importance of early screening;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as PROSTATE CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 28, 2002

Filed by the Secretary of State September 03, 2002

2002-453

September 2002 as Gynecologic Cancer Awareness Month

WHEREAS, the Gynecologic Cancer Foundation (GCF) is a not-for-profit charitable foundation that committed to advancing the care of women who are at risk or have been diagnosed with cancer of the reproductive organs; and

WHEREAS, GCF exemplifies this commitment through gynecologic cancer research grants and programs, readily accessible information and resources, and by spreading the message of prevention, early detection and empowerment through knowledge to the public; and

WHEREAS, GCF is headquartered in Chicago and was formed by and is the philanthropic arm of the Society of Gynecologic Oncologists (SGO), a professional society of physicians who specialize in gynecologic oncology; and

WHEREAS, SGO is the only U.S. medical organization dedicated to the prevention, detection, and cure of reproductive cancers; and

WHEREAS, gynecologic cancer is a study in contrasts as some forms are declining while

others are increasing, detection can be incredibly simple, or nearly impossible until the cancer is in advanced stages; and

WHEREAS, despite the fact that more than 80,000 women nationwide are diagnosed each year, gynecologic cancer is shrouded in mystery and misunderstanding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor August 28, 2002

Filed by the Secretary of State September 03, 2002

2002-454

September 11, 2002, as Flight across America Day

WHEREAS, Flight Across America is a national initiative that honors the memory of those killed in the terrorist attacks of September 11, 2001; and

WHEREAS, one pilot from each of the 50 states will fly official state flags to New York City on September 11, 2002; and

WHEREAS, the act of 50 pilots carrying their state flags across the country into New York is symbolic of a nation coming together to stand in solidarity;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 11, 2002, as FLIGHT ACROSS AMERICA DAY in Illinois.

Issued by the Governor August 20, 2002

Filed by the Secretary of State September 03, 2002

2002-455

Friday, September 6, 2002, as Matthew E. Powers Day

WHEREAS, Matthew E. Powers, youngest child of Leo and Mary Rita Powers, was born April 9, 1967, in Clinton, Illinois; and

WHEREAS, Matt grew up in Wapella, Illinois, one of four children, in a hard-working family of sharecroppers; and

WHEREAS, Matt earned his Bachelor of Arts degree from the University of Illinois-Urbana/Champaign in political science in May 1989; and

WHEREAS, Matt currently lives in Springfield with his lovely wife, Beth, and their two young sons, Billy and Tommy; and

WHEREAS, Matt has devoted more than 10 years of his life to state government, beginning as a Dunn Fellow in 1989 (with a brief earlier stint doing yard maintenance at the Illinois State Fair); and

WHEREAS, Smitty held various positions at the Illinois Bureau of the Budget for a total of 5* years, including working as a Medicaid analyst and Division Chief of the division which oversees fiscal and policy issues for the Department of Public Aid; and

WHEREAS, Matt also contributed to other areas of state government, such as the Department of Corrections; and

WHEREAS, Matt joined the Department of Public Aid as Medical Programs

Administrator in February 1999; and

WHEREAS, the Medicaid program has undergone several important changes under Matt's leadership, including implementation of the SeniorCare waiver to provide a comprehensive prescription benefit to eligible seniors and a major effort to enroll children in the KidCare health benefit plans; and

WHEREAS, Matt has provided the Division of Medical Programs with integrity, creative ideas, consistent leadership, fiscal responsibility, and humor throughout his tenure; and

WHEREAS, Matt is leaving the Division, effective September 6, 2002, to spend more time with his family and pursue other interests, such as enhancing his pipes, lounging in his orange unitard, and perfecting his jump shot; and

WHEREAS, Matt has been a player in the administrations of three Illinois governors; and

WHEREAS, employees of the Department will miss his love of Pop Tarts, the call to "rally", the creaking of his Star Wars chair, and his detailed accounts of "hot dog finger" and other ailments (too numerous to list); and

WHEREAS, Matt will be greatly missed by all those throughout state government who have had the opportunity to work with him;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, September 6, 2002, as MATTHEW E. POWERS DAY in Illinois.

Issued by the Governor August 27, 2002

Filed by the Secretary of State September 03, 2002

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

17 - 710	13435
89 - 140	13450

ADOPTED RULES

38 - 1000	13471
38 - 1075	13483
89 - 113	13521
89 - 121	13530
17 - 730	13590
17 - 740	13605
68 - 1230	13618
68 - 1370	13624
89 - 140	13641
89 - 148	13661
89 - 149	13676
92 - 1040	13684

EMERGENCY RULES

89 - 406	13694
23 - 3200	13706

JOINT COMMITTEE ON ADMINISTRATIVE RULES

8 - 20	13726
8 - 40	13726
8 - 85	13726
8 - 105	13726
8 - 115	13726
8 - 220	13726
8 - 240	13726
8 - 121	13726
50 - 4415	13726
80 - 302	13726

EXECUTIVE ORDERS AND PROCLAMATIONS

02 - 451	13728
02 - 450	13728
02 - 453	13729
02 - 452	13729
02 - 455	13730
02 - 454	13730

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