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REGISTER RULES OF GOVERNMENTAL AGENCIES



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November 23, 2002, as Thomas Holbrook Day

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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)

If I may draw your attention to:

1 Ill. Adm. Code 100.130 Illinois Administrative Code Organization

- b)4) When a Part is repealed, the Index Department will enter that Part into a Table of Repealed Parts that will be published along with other supplementary materials to the Code (indexes, etc.). For two years after the date of a Part's repeal, the headings and Main Source Note will be maintained at that Part's location within the body of the Code. After two years, the headings and Main Source Note will be removed from the body of the Code.

1 Ill. Adm. Code 100.500 Requirements for Filing

- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. The acronym for the State agency shall appear at the far left on the header line. On the right hand side of the solid line shall be the appropriate Part or Section number. Each Section shall begin on a new page.

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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July 2001 - 675 - GA -82

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities
- 2) Code Citation: 8 Ill. Adm. Code 215
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
215.10	Amend
215.15	Amend
215.20	Amend
215.25	Amend
215.30	Amend
215.35	Amend
215.40	Amend
215.45	Amend
215.50	Amend
215.55	Amend
215.60	Amend
215.65	Amend
215.70	Amend
215.75	Amend
215.80	Amend
215.85	Amend
215.90	Amend
215.95	Amend
215.110	Amend
215.115	Amend
215.120	Amend
- 4) Statutory Authority: Illinois Fertilizer Act of 1961 [505 ILCS 80]
- 5) A Complete Description of the Subjects and Issues Involved: Revision of the existing anhydrous ammonia safety regulations to update them to conform with new technology and equipment.
- 6) Will this proposed rulemaking replace an emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Fertilizer facilities that handle and store anhydrous ammonia
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: No additional skills necessary
- 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 AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER e: FERTILIZERS

PART 215

ANHYDROUS AMMONIA, LOW PRESSURE NITROGEN SOLUTIONS,
EQUIPMENT, CONTAINERS, AND STORAGE FACILITIESSUBPART A: ANHYDROUS AMMONIA, EQUIPMENT,
CONTAINERS, AND STORAGE FACILITIES

Section	
215.10	Scope
215.15	Definitions
215.20	Safety Disposal of Anhydrous Ammonia
215.25	Basic Rules Requirements of Construction and Original Test of Containers, Other Than Refrigerated Storage Tanks
215.30	Location of Storage Tanks Manufacturer's Marking Requirements on Containers and Systems
215.35	Markings of Non-Refrigerated Containers and Systems other than DOT Containers Location of Storage Tanks
215.40	Container Appurtenances
215.45	Piping, Tubing and Fittings
215.50	Hose Specifications
215.55	Safety Relief Devices
215.60	Filling Densities Safety
215.65	Transfer of Liquids Filling Densities
215.70	Liquid Level Gauging Devices Transfer of Liquids
215.75	Painting of Containers Tank Car Operations
215.80	Electrical Equipment and Wiring Liquid Level Gauging Devices
215.85	Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground Non-Refrigerated Storage Painting of Containers
215.90	Refrigerated Storage Information Sign
215.95	Tank Car Operations Electrical Equipment and Wiring
215.100	Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground or Underground Non-Refrigerated Storage
215.105	Systems Mounted on Farm Wagons (Implements of Husbandry) for the Transportation of Anhydrous Ammonia
215.110	Systems Mounted on <u>Farm Wagons (Nurse Tanks)</u> Equipment (Implements of Husbandry) for the <u>Transportation</u> Application of Anhydrous Ammonia

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- 215.115 Systems Mounted on Equipment for the Application of Anhydrous Ammonia Refrigerated Storage
215.120 Administrative Hearings

SUBPART B: NITROGEN FERTILIZER SOLUTIONS

Section

- 215.200 General
215.205 Definitions
215.210 Application of Rules
215.215 Requirement of Construction and Original Test of Containers
215.220 Capacity of Containers
215.225 Container Valves and Accessories
215.230 Piping, Tubing and Fittings
215.235 Hose Specifications
215.240 Safety Devices
215.245 Transfer of Liquids
215.250 Tank Car Loading and Unloading Points and Operations
215.255 Liquid Level Gauging Devices
215.260 Indicating Devices
215.265 Storage Installations for Nitrogen Fertilizer Solutions
215.270 Systems Mounted on Trucks, Semi-trailers and Trailers for Transportation of Nitrogen Fertilizer Solutions
215.275 Systems Mounted on Vehicles and Implements of Husbandry for the Transportation of Nitrogen Fertilizer Solutions
215.280 Systems Mounted on Vehicles and Implements of Husbandry for the Application of Nitrogen Fertilizer Solutions
215.285 Administrative Hearings
- TABLE A Rate of Discharge
TABLE B Guide for Selection of Materials for Refrigerated Ammonia Storage Tanks
TABLE C Minimum Material Requirements for Shells and Bottoms of Refrigerated Storage Tanks for Various Temperatures and Thicknesses
TABLE D Repair Welding
TABLE E Safety Pressure Relief Valves

AUTHORITY: Implementing and authorized by Section 14 of the Illinois Fertilizer Act of 1961 [505 ILCS 80/14].

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Rules and Regulations Relating to Anhydrous Ammonia, Low Pressure, Nitrogen Solutions, Equipment, Containers and Storage Facilities, filed May 15, 1967, effective May 15, 1967; Rules and Regulations Relating to the Handling of Nitrogen Fertilizer Solutions; filed September 7, 1967, effective September 7, 1967; amended March 31, 1975, effective April 10, 1975; amended March 2, 1976, effective March, 2, 1976; amended December 21, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10513, effective October 1, 1981; part repealed, new part adopted at 6 Ill. Reg. 2990, effective March 5, 1982; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: ANHYDROUS AMMONIA, EQUIPMENT,
CONTAINERS, AND STORAGE FACILITIES**Section 215.10 Scope**

- a) This standard is intended to apply to the design, construction, repair, alteration, location, installation and operation of agricultural anhydrous ammonia systems, including refrigerated ammonia storage systems.
- b) This standard does not apply to:
 - 1) ammonia manufacturing plants;
 - 2) refrigeration systems where ammonia is used solely as a refrigerant;
 - 3) ammonia transportation pipelines; and
 - 4) ammonia barges and tankers.
- ~~a) These rules are intended to apply to the design, construction, location, installation, and operation of anhydrous ammonia systems, including refrigerated ammonia storage systems from which the product is used for agricultural ammonia.~~
- ~~b) These rules do not apply to:~~
 - ~~1) anhydrous ammonia manufacturing plants;~~
 - ~~2) air conditioning systems and refrigeration plants where anhydrous ammonia is used solely as a refrigerant. Such systems are covered in American National Standards Safety Code for Mechanical Refrigeration, B-9.1, and~~
 - ~~3) anhydrous ammonia transportation pipelines.~~
- ~~c) Sections 215.25 through 215.100 apply to stationary, non-refrigerated storage installations utilizing containers other than those constructed in accordance with regulations implementing Occupational Safety and Health Act (CFR 29(e)(3)(iii)).~~
- ~~d) Section 215.105 applies to systems mounted on implements of husbandry for the transportation of anhydrous ammonia.~~
- ~~e) Section 215.110 applies to systems mounted on farm vehicles for the application of anhydrous ammonia.~~

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- f) ~~Section 215.115 applies to systems utilizing containers for the storage of anhydrous ammonia under refrigerated conditions.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.15 Definitions

“Alteration” means a change in any item described in the original manufacturer’s data report that affects the pressure-containing capability of the container. Rerating a container by increasing maximum allowable working pressure or by increasing or decreasing allowable working temperature shall be considered an alteration.

“Ammonia or anhydrous ammonia” means the compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula, NH₃. On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82% nitrogen to 18% hydrogen. Ammonia may exist in either gaseous, liquid or solid state. It is not to be confused with aqua ammonia (ammonium hydroxide) which is a solution of ammonia in water.

“ANSI” refers to American National Standards Institute, 1430 Broadway, New York NY, and their publication “Safety Requirements for the Storage and Handling of Anhydrous Ammonia”.

“Approved” means listed by a recognized testing laboratory; or recommended by the manufacturer as suitable for use with anhydrous ammonia and so marked or documented; or accepted by the authority having jurisdiction.

“API-ASME Code” refers to the “Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the American Petroleum Institute and the American Society of Mechanical Engineers” (API-ASME). The API-ASME Code, as a joint publication and interpretation service, was discontinued as of December 31, 1956, and construction of containers to the API-ASME Code has not been authorized since July 1, 1961.

“Appurtenance” refers to all devices such as pressure relief devices, liquid level gauging devices, valves, pressure gauges, pressure regulators, fittings, metering or devices designed to be attached to an ammonia container.

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“ASME Code” refers to either paragraph U-68, U-69, U-200 or U-201 of Section VIII of the “Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers”, 1949 edition, or Section VIII, Division I of the “Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers”, 1950 edition through the current edition, including addenda, and applicable Code Case Interpretations.

“ASTM” refers to the “American Society for Testing and Materials”, 1916 Race Street, Philadelphia PA 19103.

“Capacity” means the total volume of the container measured in standard U.S. gallons unless otherwise specified.

“Cargo tank” is a bulk packaging that is:

a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings and closures;

permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction or attachment to a motor vehicle is loaded or unloaded without being removed from the motor vehicle; and

not fabricated under a specification for cylinders, portable tanks, tank cars or multi-unit tank car tanks.

“Cargo tank motor vehicle” means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle.

“Chemical splash goggles” or “goggles” means flexible fitting chemical-protective goggles with a hooded indirect ventilation system to provide primary protection of the eyes and eye sockets from the splash of hazardous liquids. Direct vented goggles do not comply with this definition.

“Code” means the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Sec. VIII of the ASME Boiler Construction Code), including editions through 1981 or the Joint Code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) including editions through 1981.

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“Competent attendant” means a person who has full knowledge of the characteristics of anhydrous ammonia, its safe handling, and safety rules for transfer and application, and has completed an anhydrous ammonia training program conducted by the Department or an equivalent training program approved by the Department. Refresher training shall be at least every three years and documentation of completed training shall be maintained.

“Container” means all tanks, except cylinders, as defined in Section 215.15, used for the transportation or storage of anhydrous ammonia.

“Cylinder” means a pressure vessel designed for pressures higher than 40 psia and having a circular cross section. It does not include a portable tank, multi-unit tank car tank, cargo tank or tank car.

“Department” means the Illinois Department of Agriculture, State Fairgrounds, P. O. Box 19281, Springfield IL 62794.

“Design pressure” is identical to the term “Maximum Allowable Working Pressure” used in the ASME Code.

“Emergency shower” means a shower unit permanently connected to a source of clean water that enables the user to have water cascading over the entire body.

“Eye wash unit” means a device used to irrigate and flush the eyes with clean water. Depending upon the requirements set forth in this standard, the device may be a plumbed unit permanently connected to a source of clean water, or it may be a self-contained unit not permanently installed that must be refilled or replaced after use.

“Filling density” means the percent ratio of the weight of the ammonia permitted in a container to the weight of water at 60°F (15.6°C) that the container will hold when full. One pound of water = 27.74 cubic inches (455 ml) at 60°F (15.6°C). For determining the water capacity of the tank in pounds, the weight of one gallon (231 cubic inches) (3.785 L) of water at 60°F (15.6°C) in air shall be 8.328 lb (3.778 kg).

“Gas mask” means an air-purifying device with full face piece approved by NIOSH under the provisions of 30 CFR Part II, Subpart 1, for use in ammonia contaminated atmosphere in compliance with 29 CFR 1910.134 and selected in accordance with ANSI Z88.2, Respiratory Protection. A gas mask of the air-

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purifying type must be used only in an atmosphere containing 19.5% to 22.0% oxygen by volume.

“Hydrostatic relief valve” means a pressure relief device for liquid service designed to prevent excessive pressure due to thermal expansion when a pipe or hose is filled with liquid such as between block valves or blinds.

“Immediately Dangerous to Life or Health (IDLH)” means the maximum concentration from which unprotected persons are able to escape within 30 minutes without escape-impairing symptoms or irreversible health effects. The IDLH for ammonia is 300 ppm by volume in accordance with the NIOSH Pocket Guide to Chemical Hazards.

“Implement of husbandry” means a farm wagon-type tank vehicle of not over 3000 gallons capacity, used as a nurse tank supplying the anhydrous ammonia to a field applicator, and moved on highways only for transporting anhydrous ammonia from a local source of supply to farms or fields or from one farm or field to another.

“Institutional occupancy” means a location where people may be unable to vacate voluntarily and shall be deemed to include nursing homes, hospitals, jails, schools and recreational parks.

“Material suitable for use” includes iron, steel and certain non-ferrous alloys that are compatible for use in anhydrous ammonia service. Copper, brass, zinc and certain alloys, especially those containing copper, are not suitable for anhydrous ammonia service.

“National Board Inspection Code” refers to the manual published by the National Board of Boiler and Pressure Vessel Inspectors that provides the rules and guidelines for inspection by a commissioned inspector of the repair, alteration and rerating of containers after being placed into service.

“Permanent storage installation” means a system employing a stationary (fixed) container used exclusively for storage or supply.

“Positive pressure self-contaminated breathing apparatus (SCBA)” means a full face piece respirator approved by NIOSH/MSHA for respiratory protection for both entry into or escape from oxygen-deficient atmospheres or a concentration of gases or vapors that are immediately dangerous to life or health where the supply

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of air is carried by the wearer. The air pressure inside the face piece is positive in relation to the air pressure of the outside atmosphere during exhalation and inhalation.

“Pressure relief valve” is a device designed to open to prevent an increase in internal vapor pressure in excess of a specified value due to an emergency or abnormal condition and to close and prevent further flow after normal conditions have been restored.

“Private assembly” means a location where people gather together but is not generally open to the public.

“Protective gloves, boots and suits” are items made of rubber or other material impervious to ammonia. Gloves refer to gauntlet-style of sufficient length to allow for cuffing and that provide thermal protection suitable for ammonia exposure.

“psia” means pounds per square inch absolute.

“psig” means pounds per square inch gauge.

“Public assembly” is a location that is generally open to the public and where people gather together, including but not limited to churches, public halls, libraries, clubs and businesses.

“Repair” means the work necessary to restore a container, cylinder or system to a safe and satisfactory operating condition provided there is, in all cases, no deviation from the original design. Repairs include the addition or replacement of pressure nonpressure parts, which do not change the design temperature or pressure of the container, cylinder or system.

“System” means an assembly of equipment consisting essentially of the containers, hoses, appurtenances, pumps, compressors and interconnecting piping.

“Tank” means a vessel designed and constructed for the storage and handling of anhydrous ammonia.

“Transportation regulations” refers to the Hazardous Materials Transportation Regulations of the Federal DOT. (See the “Code of Federal Regulations”, 49

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CFR 100-180, Transportation, including "Specifications for Shipping Containers").

"Wet hose" is an anhydrous hose with shutoff valves at each end that is capable of containing liquid product at all times.

~~"Anhydrous ammonia" means a compound formed by the combination of the two gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to three parts hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed and liquefied form. Anhydrous ammonia is not aqueous ammonia which is a solution of ammonia gas in water.~~

~~"ANSI" refers to American National Standards Institute, 1430 Broadway, N.Y., N.Y. and their publication "Safety Requirements for the Storage and Handling of Anhydrous Ammonia" (as adopted this 1st day of January, 1982).~~

~~"Approved" means tested and recommended by manufacturer as suitable for use with anhydrous ammonia and product so marked, or inspected by the Department and found to be in compliance with these rules.~~

~~"Appurtenances" means all devices, such as, system devices, liquid level gauging devices, valves, pressure gauges, fittings, metering or dispensing devices.~~

~~"ASME" refers to the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 (as adopted this 1st day of January, 1982).~~

~~"ASTM" refers to the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103 (as adopted this 1st day of January, 1982).~~

~~"Capacity" means the total volumetric measure.~~

~~"Competent attendant" means a person who has a full knowledge of the characteristics of anhydrous ammonia, its safe handling, safety rules for transfer and application, and has completed an anhydrous ammonia training program conducted by the Department or an equivalent training program approved by the Department.~~

~~"Container" means a vessel, such as, a tank or cylinder used for the storage and handling of anhydrous ammonia.~~

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~~"Department" means the Illinois Department of Agriculture, State Fairgrounds, Springfield, Illinois 62706 (217/782-3817).~~

~~"Design pressure" means the maximum allowable working pressure.~~

~~"Filling density" means the percent ratio of the weight of the gas in a container to the weight of water at 60 degrees Fahrenheit (F) that the container will hold. One pound H₂O=27.737 cubic inches at 60 degrees F. For determining the water capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60 degrees F. in air shall be 8.32828 pounds.~~

~~"Gas" means anhydrous ammonia in either the gaseous or liquefied state.~~

~~"Gas mask" means a gas mask approved by the Bureau of Mines (30 CFR Part II, Section 14 f).~~

~~"Hydrostatic relief valve" refers to an automatic pressure activated valve for liquid service characterized by throttle or slow weep opening (non pop off action).~~

~~"Implement of husbandry" means a farm wagon type tank vehicle of not over 2000 gallons capacity, used as a field storage nurse tank supplying the anhydrous ammonia to a field applicator, and moved on highways only for transporting anhydrous ammonia from a local source of supply to farms or fields or from one farm or field to another.~~

~~"Institutional occupancy" is a location where people may be unable to vacate voluntarily and shall be deemed to include nursing homes, hospitals, jails, and schools.~~

~~"Material suitable for use" includes iron, steel and certain non ferrous alloys which are compatible for use in anhydrous ammonia service. Copper, brass, zinc and certain alloys, especially those containing copper, are not suitable for anhydrous ammonia service.~~

~~"Private assembly" is a location where people gather together but is not generally open to the public.~~

~~"Psig" and "psia" means pounds per square inch gauge and pounds per square inch absolute, respectively.~~

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~~"Public assembly" is a location that is generally open to the public and where people gather together, including but not limited to, churches, public halls, libraries, clubs and businesses.~~

~~"Safety relief valve" or "pop-off valve" is an automatic pressure-activated valve for vapor service characterized by pop action upon opening.~~

~~"Secured valve" is a valve which is locked, plugged or capped.~~

~~"Semi-trailer" refers to a vehicle designed for carrying anhydrous ammonia, which is drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.~~

~~"System" refers to an assembly of equipment consisting essentially of the container(s), appurtenances, pumps, compressors, and interconnecting piping.~~

~~"Tank" means a vessel designed and constructed for the storage and handling of anhydrous ammonia.~~

~~"Tank motor vehicle" means any motor vehicle designed or used for the transportation of anhydrous ammonia in any tank designed to be permanently attached to any motor vehicle or any container not permanently attached to any motor vehicle which by reason of its size, construction or attachment to any motor vehicle must be loaded or unloaded without being removed from the motor vehicle.~~

~~"The Code" refers to the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Sec. VIII of the ASME Boiler Construction Code); including editions through 1981 or the Joint Code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) including editions through 1981 (adopted this 1st day of January, 1982).~~

~~"Wet hose" is an anhydrous hose with shut-off valves at each end and is capable of containing liquid product at all times.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.20 Safety Disposal of Anhydrous Ammonia

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- a) A competent attendant must be on site any time ammonia is handled, transferred or transported.
- b) All permanent storage installations shall have on hand, at minimum, the following equipment for emergency and rescue purposes:
 - 1) One full-faced gas mask, jointly approved by NIOSH and MSHA, with one spare in date ammonia canister in a readily accessible location, or a self-contained breathing apparatus (SCBA).
 - 2) One pair of protective gloves impervious to anhydrous ammonia.
 - 3) One pair of protective boots impervious to anhydrous ammonia.
 - 4) One protective slicker and/or protective pants and jacket, all impervious to anhydrous ammonia.
 - 5) An easily accessible emergency shower and a plumbed eyewash unit or at least 150 gal of clean water in an open top container.
 - 6) Chemical splash goggles.
- c) Each cargo tank transferring agricultural ammonia, except an implement of husbandry, shall carry:
 - 1) At least 5 gallons of clean water in a container designed to provide ready access to the water for flushing any area of the body contacted by ammonia.
 - 2) One pair of protective gloves impervious to ammonia.
 - 3) One full-faced gas mask, jointly approved by NIOSH and MSHA, with one spare in date ammonia canister in a readily accessible location.
 - 4) Chemical splash goggles.

If it is found necessary to dispose of anhydrous ammonia, it shall be discharged into a vessel containing water sufficient to absorb it. Sufficient water shall be at least ten parts of water per one part anhydrous ammonia. The anhydrous ammonia shall be injected into the water as near the bottom of the vessel as practical.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.25 ~~Basic Rules Requirements of Construction and Original Test of Containers, Other Than Refrigerated Storage Tanks~~

This Section applies to all Sections of this Part unless otherwise noted.

- a) These provisions shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, 1965, 1968, 1971, 1974, 1977, 1980, 1983, 1986, 1989, 1992, 1995 and 1998 editions of the ASME Code or any revisions thereof in effect at the time of fabrication.
- b) Requirements for new construction and original test, repair, and alterations of

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containers (including DOT portable tanks), other than refrigerated storage tanks must comply with the following:

- 1) Containers used with systems covered in Sections 215.85, 215.110, and 215.115 shall be made of steel or other material compatible with ammonia and tested in accordance with the current ASME Code. An exception to the ASME Code requirements is that construction under Table UW 12 at a basic joint efficiency of under 80% is not authorized.
 - 2) Containers designed and constructed in accordance with the ASME Code, other than refrigerated storage containers, shall comply with the following additional requirements:
 - A) The entire container shall be postweld heat treated after completion of all welds to the shells and heads. The method employed shall be as prescribed in the ASME Code, except that the provisions for extended time at a lower temperature for postweld heat treatment shall not be permitted. Welded attachments to pads may be made after postweld heat treatment. Exception: implements of husbandry will not require postweld heat treatment if they are fabricated with hot-formed heads or with cold-formed heads that have been stress relieved.
 - B) Steels used in fabricating pressure containing parts of a container shall not exceed a specified tensile strength of 70,000 psi. Exception: implements of husbandry may be fabricated from steel having a specified tensile strength of 75,000 psi.
 - C) Containers shall be inspected by a person who holds a valid National Board Commission. Exception: refrigerated storage tanks with a design pressure of 15 psig or less and containers covered in Section 215.90.
 - D) Repair or alteration of pressure-containing parts of a container shall be performed in compliance with the applicable provisions of the current edition of the National Board Inspection Code. Where specific procedures are not given, it is intended that, subject to acceptance of the inspector, all repair or alteration shall conform as much as possible to the ASME Code section and edition to which the container was constructed.
- a) ~~Containers used with systems covered in 8 Ill. Adm. Code Section 215.100 shall be constructed, installed, and tested as follows:~~
- 1) ~~The Unfired Pressure Vessel Code of ASME, except that construction under Paragraph UW 9 at a basic joint efficiency of under eighty percent is not authorized, and compliance with Paragraphs UG 132 and UG 133 shall not be required, or~~

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- 2) ~~The 1951 edition of the Joint Code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME), except that a basic joint efficiency of under eighty percent is not authorized, and compliance with Paragraph W-601 through W-609 and ASME's Table A shall not be required.~~
- b) ~~Containers exceeding 36 inches in diameter or 250 gallon capacity shall be constructed to comply with one or more of the following requirements in addition to 8 Ill. Adm. Code Section 215.25(a):~~
- 1) ~~Containers shall be stress-relieved after fabrication in accordance with The Code, or~~
- 2) ~~cold formed heads when used shall be stress-relieved, or~~
- 3) ~~hot formed heads shall be used.~~
- e) ~~Non-Code welding shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-Code welding directly to the container or any part subject to pressure is not authorized.~~
- d) ~~All containers, except refrigerated storage tanks, with a design pressure of less than 15 psig shall be inspected by a person having a current certificate of competency from the National Board of Boiler and Pressure Vessel Inspectors and employed by an insurance company, municipality, state, or province having laws specifically providing for that type of inspection service. The Department shall not be responsible for any fees involved in this inspection.~~
- e) ~~The provisions of 8 Ill. Adm. Code Section 215.25(a) shall not be construed as prohibiting the continued use or re-installation of containers constructed and maintained prior to the effective date of these rules.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.30 Location of Storage Tanks ~~Manufacturer's Marking Requirements on Containers and Systems~~

- a) Tanks shall be located outside of buildings unless the building is especially constructed for the safe handling and storage of anhydrous ammonia. Permanent storage shall be located outside of densely populated areas and subject to the approval of the Department as follows: If located within the corporate limits of a village, town, or city, written approval of the municipality's governing body or a county zoning permit shall be submitted to the Department before tentative approval to begin construction of a permanent storage facility will be given. The intended storage must be completed and approved by the Department within one year from the date written tentative approval was given. Final approval will be given if the facility and equipment complies with the Department's rules.

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- b) Containers shall be located at least 50 feet from a dug well or other source of potable water.
- c) Nurse tank load out risers and containers for newly approved sites after the effective date of this Part shall be a minimum distance of 200 feet from the property line. Installation of additional load out risers or containers at sites approved prior to the effective date of this Part shall be a minimum distance of 75 feet from the property line.
- d) Container locations shall comply with the following distance requirements: Minimum distances (feet) from container to:

<u>Nominal capacity of container(s) (gallons)</u>	<u>Railroad mainline property</u>	<u>Place of private or public assembly</u>	<u>Institutional occupancy</u>
<u>001-2,000</u>	<u>100</u>	<u>200</u>	<u>750</u>
<u>over 2,001</u>	<u>100</u>	<u>400</u>	<u>1,000</u>

- e) Offices or buildings integral to the agri-chemical business are exempt from the minimum distance requirement. Excluded from the distance requirement are those installations installed prior to the effective date of this Part. The Department will permit replacement storage tanks to be installed. A replacement tank may be of a larger capacity. Replacement tanks must meet all requirements of this Part with the exception of subsection (d). The provisions concerning replacement of tanks applies specifically to installations installed prior to the effective date of this Part.
- f) A nurse tank of not more than 3,000 gallons or less than 1,000 gallons water capacity may be used as temporary storage in instances where anhydrous ammonia is used in the manufacturing of liquid or suspension fertilizers provided that written approval of the municipality's governing board or a county zoning permit shall be submitted to the Department before site approval will be given. Approval will be given based upon compliance with the requirement of this subsection (f). The distance of the temporary storage nurse tank shall not be less than 50 feet from the property line or source of drinking water, not less than 200 feet from existing places of private or public assembly, or not less than 750 feet from any place of institutional occupancy. The draw bar must be securely fastened to an anchoring device so as to render the nurse tank immovable while being used in the manufacturing of fertilizer. During the time the site is unattended, all liquid and vapor valves must be plugged or capped.
- g) Container storage areas shall be accessible to emergency vehicles and personnel.
- h) Storage container areas shall be maintained clear of dry grass and weeds and other combustible materials.

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- a) ~~Aboveground installation of anhydrous ammonia containers is recommended, but standards for underground container installations are included to provide for those cases where conditions make underground installation desirable.~~
- b) ~~Each container or system covered in 8 Ill. Adm. Code Section 215.100, 215.105, 215.110, and 215.115 shall be marked as follows:~~
- 1) ~~With a mark identifying compliance with and other markings required by the rules of The Code under which the container is constructed, with the capacity of the container in pounds or gallons (U.S. Standards), with the working pressure in psig for which the container is designed, and with the thickness of the shell and heads. This information shall appear:~~
 - A) ~~On the container and system nameplate on underground installations.~~
 - B) ~~On the container on aboveground installations.~~
 - 2) ~~With the name and address of the supplier of the system or the trade name of the system and the date of manufacture. This information shall appear on the system nameplate for both underground and aboveground containers.~~
 - 3) ~~With markings indicating the maximum level to which the container may be filled with liquid at temperatures between 20 degrees Fahrenheit (F) and 100 degrees F., except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be in increments of not more than 20 degrees F and shall appear on the system nameplate or on the liquid level gauging device on both underground and aboveground containers. Refrigerated storage tanks shall be exempt from these requirements but shall be marked to show the maximum permissible liquid level (see 8 Ill. Adm. Code Section 215.65(c)).~~
 - 4) ~~With the overall length and outside diameter of the container. This information shall appear:~~
 - A) ~~On the system nameplate on underground containers.~~
 - B) ~~On the container on aboveground containers.~~
- e) ~~All main operating valves on permanently installed storage containers having a capacity of over 2000 water gallons shall be identified to show whether the valve is in liquid or vapor service. The method of identification shall be by label or color code as follows:~~
- 1) ~~Label: The label LIQUID (or LIQUID VALVE) or VAPOR (or VAPOR VALVE), as appropriate, shall be placed on or within twelve inches of the valve by means of a stencil tag or decal, or~~
 - 2) ~~Color Code: Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend ORANGE LIQUID or YELLOW VAPOR shall be displayed in at least one conspicuous place at each permanent~~

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~~storage location. The legend shall have letters at least two inches high and shall be placed against a contrasting background.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.35 Markings of Non-Refrigerated Containers and Systems other than DOT Containers Location of Storage Tanks

- a) Each system nameplate shall be made of a non-corroding metal permanently attached to the system by continuous welding around its perimeter and located so as to be readily accessible for inspection. Nameplates shall be maintained in legible condition and include markings as prescribed.
- b) Each container or system covered in Sections 215.85, 215.90, 215.110 or 215.115 shall be marked as follows:
 - 1) With a mark identifying compliance with and other markings required by the rules of the Code under which the container is constructed, with the capacity of the container in pounds or gallons (U.S. Standards), with the working pressure in psig for which the container is designed, and with the thickness of the shell and heads.
 - 2) With the name and address of the supplier of the system or the trade name of the system and the date of manufacture. This information shall appear on the system nameplate for aboveground containers.
 - 3) With markings indicating the maximum level to which the container may be filled with liquid at temperatures between 20°F and 100°F, except on containers provided with fixed maximum level indicators or that are filled by weighing. Markings shall be in increments of not more than 20°F and shall appear on the system nameplate or on the liquid level gauging device on both underground and aboveground containers. Refrigerated storage tanks shall be exempt from these requirements but shall be marked to show the maximum permissible liquid level (see Section 215.60).
 - 4) With the overall length and outside diameter of the container.
- c) All main operating valves on permanently installed storage containers having a capacity of over 2000 water gallons shall be identified to show whether the valve is in liquid or vapor service. The method of identification shall be by label or color code as follows:
 - 1) Label: The label LIQUID (or LIQUID VALVE) or VAPOR (or VAPOR VALVE), as appropriate, shall be placed on or within 12 inches of the valve by means of a stencil tag or decal, or
 - 2) Color Code: Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend ORANGE-LIQUID or YELLOW-VAPOR

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shall be displayed in at least one conspicuous place at each permanent storage location. The legend shall have letters at least two inches high and shall be placed against a contrasting background.

- d) With National Board of Boiler and Pressure Vessel Inspectors stamping to indicate registration of the container with that organization on containers manufactured after January 1, 2003.
- a) ~~Tanks shall be located outside of buildings unless the building is especially constructed for the safe handling and storage of anhydrous ammonia. Permanent storage shall be located outside of densely populated areas and subject to the approval of the Department as follows if located within the corporate limits of a village, town, or city, written approval of the municipality's governing body or a county zoning permit shall be submitted to the Department before tentative approval to begin construction of a permanent storage facility will be given. The intended storage must be completed and approved by the Department within one year from the date written tentative approval was given. Final approval will be given if the facility and equipment complies with the Department's rules.~~
- b) ~~Containers shall be located at least 50 feet from a dug well or other source of potable water.~~
- e) ~~Container locations shall comply with the following distance requirements:~~
- | Nominal Capacity of Container(s) (Gallons) | Property Line, Road Right of Way and Railroad Mainline | Place of private or Public Assembly | Institutional Occupancy |
|---|---|--|------------------------------------|
| 001 to 2,000 | 50 | 150 | 750 |
| Over 2,001 | 50 | 400 | 1000 |
- d) ~~Office or warehouse associated with anhydrous business is exempt from the minimum distance requirement. Excluded from this Section are those installations installed prior to the effective date of these rules. The Department will permit replacement storage tanks to be installed. A replacement tank may be of a larger capacity. Replacement tanks must meet all requirements of these rules with the exception of 8 Ill. Adm. Code Section 215.35(c). The provisions concerning replacement of tanks applies specifically to installations installed prior to the effective date of these rules.~~
- e) ~~A nurse tank of not more than 2,000 gallons or less than 1,000 gallons water capacity may be used as temporary storage in instances where anhydrous ammonia is used in the manufacturing of liquid or suspension fertilizers provided that written approval of the municipality's governing board or a county zoning~~

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~~permit shall be submitted to the Department before site approval will be given. Approval will be given based upon compliance with the requirements of this paragraph. The distance of the temporary storage nurse tank shall not be less than 50 feet from the property line or source of drinking water, not less than 150 feet from existing places of private or public assembly, or not less than 750 feet from any place of institutional occupancy. The draw bar must be securely fastened to an anchoring device so as to render the nurse tank immovable while being used in the manufacturing of fertilizer. During the time the place is unattended, all liquid and vapor valves must be secured.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.40 Container Appurtenances

- a) All appurtenances of each system shall be approved.
- b) All appurtenances shall be designed for no less than the maximum working pressure of the portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.
- c) All connections to containers except connections for pressure relief devices, thermometer well, liquid level gauging devices, or connections fitted with No. 54 (0.055 inches) drill size orifice or those plugged shall have shutoff valves located as close to the container as practical.
- d) Excess flow valves shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves and fittings in the same flow path as the excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve.
- e) Liquid level gauging devices that require bleeding of the product to the atmosphere and that are so constructed that outward flow will not exceed that passed by a No. 54 (0.055 inches) drill size opening need not be equipped with excess flow valves.
- f) An opening in a container to which a pressure gauge connection is made need not be equipped with an excess flow valve if the opening is not larger than No. 54 (0.055 inches) drill size.
- g) An excess flow or back-pressure check valve, when required in this Section, shall be installed directly in the container opening or a point outside where the line enters the container. In the latter case the installation shall be made in such a manner that any undue strain beyond the excess flow or back-pressure check valve shall not cause breakage between the valve and the container.
- h) Excess flow valves shall be designed with a by-pass, not to exceed a No. 60

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- (0.040 inches) drill size opening, to allow equalization of pressure.
- i) Shutoff valves with an integral excess flow valve shall be designed for proper installation in a container opening so that the excess flow valve will close in the event that the valve body, extending above the coupling, is sheared or broken off.
 - j) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.
 - k) Each filling connection on non-refrigerated containers shall have a positive shutoff valve in conjunction with either an approved internal back-pressure check valve or an approved internal excess flow valve. Vapor connections on non-refrigerated containers shall have a positive shutoff valve together with an approved internal excess flow.
 - a) ~~All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials suitable for use in anhydrous ammonia service.~~
 - b) ~~All connections to containers, except safety relief connections and gauging devices, shall have shutoff valves located as close to the container as practicable.~~
 - e) ~~Liquid level gauging devices, which are so constructed that outward flow of container content shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.~~
 - d) ~~Container openings or through fittings (directly on container and used for pressure gauge connections) need not be equipped with excess flow valves if such openings are protected by a vent hole not larger than a No. 54 drill size hole.~~
 - e) ~~All excess flow valves shall be clearly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.~~
 - f) ~~Excess flow valves shall close automatically at the vapor or liquid rated flows as specified by the manufacturer. The connections and line, including appurtenances being protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess flow valve so the valve will close in case of failure at any point in the line or fittings.~~
 - g) ~~Excess flow and back pressure check valves shall be located inside the container or at a point outside where the line enters the container. In the latter case, installation shall be made in such a manner that any undue strain, beyond the excess flow or back pressure check valve, will not cause breakage between the container and the excess flow valve.~~
 - h) ~~Excess flow valves shall be designed with a by pass, not to exceed a No. 60 drill size opening, to allow equalization of pressure.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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Section 215.45 Piping, Tubing and Fittings

- a) All piping, tubing, and fittings shall be made of steel or other material suitable for anhydrous ammonia service. Brass, copper, or galvanized steel pipe or tubing shall not be used.
- b) All piping, tubing, and fittings shall be designed for a pressure no less than the maximum pressure to which they will be subjected in service.
- c) All piping shall be supported to prevent damage to the pipes. Provisions shall be made for expansion, contraction, jarring, vibration, and settling. All refrigeration system piping shall conform to the Refrigeration Piping Code (ANSI B31.5) as it applies to anhydrous ammonia.
- d) Piping used on non-refrigerated systems shall be at least ASTM A53 Grade B seamless or electric resistance welded pipe. Pipe joints shall be threaded, welded, or flanged. Pipe shall be at least Schedule 40 when joints are welded or welded and flanged. Pipe shall be at least Schedule 80 when joints are threaded. Threaded nipples shall be seamless. Welding shall be done by a welder certified in accordance with the ASME Code, Section IX, "Welding Qualifications". Tubing joints shall be made up with flared, flareless, or compression type fittings complying with ANSI/SAE J513f, ANSI/ASME B31.3, or ANSI/ASME B31.5.
- e) Metal, flexible connections may be used for permanent installations to provide for expansion, contraction, jarring, vibrating, and settling. In no case shall the angle of the connection exceed 15 degrees. Such connection used for non-refrigerated installations shall have a minimum working pressure of 350 psig.
- f) Cast iron fittings shall not be used. Those parts of valves that are subjected to gas pressure shall be made of steel, ductile (nodular) iron, or malleable iron. Ductile iron shall meet the requirements of ANSI/ASTM A395 and malleable iron the requirements of ANSI/ASTM A47.
- g) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from impact by moving machinery, automobiles or trucks, or any other equipment at the facility. Underground piping is allowable.
- h) Joint compounds shall be resistant to ammonia at the maximum pressure and temperature to which they may be subjected in service.
- i) After assembly, all piping, fittings, and tubing shall be tested and proved to be free from leaks at a pressure no less than the normal operating pressure of the system.
- ~~a) All piping, tubing and fittings shall be made of material suitable for use in anhydrous ammonia service.~~
- ~~b) All piping, tubing, and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.~~
- ~~e) All piping shall be supported to prevent damage to the pipes. Provisions shall be~~

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- ~~made for expansion, contraction, jarring, vibration, and for settling. All refrigeration system piping shall conform to the Refrigeration Piping Code (ANSI B31.5) as it applies to anhydrous ammonia.~~
- ~~d) Piping used on non-refrigerated systems shall be at least ASTM A-53 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equivalent. Such pipe shall be at least Schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least Schedule 80 when joints are threaded.~~
 - ~~e) Metal, flexible connections may be used to provide for expansion, contraction, jarring, vibrating, and for settling. In no case shall the angle of the connection exceed 15 degrees. All such connections shall comply with the standards set forth in ANSI K 61.1, Section 2.7.5.~~
 - ~~f) Cast iron fittings shall not be used, but this rule shall not prohibit the use of fittings made especially for anhydrous ammonia service of malleable or nodular iron, such as, Specification ASTM A47 or ASTM A395.~~
 - ~~g) Provisions shall be made to protect all exposed piping from physical damage that might result from moving machinery, the presence of automobiles or trucks, or any other undue strain that may be placed upon the piping.~~
 - ~~h) Joint compounds shall be compatible with anhydrous ammonia.~~
 - ~~i) After assembly, all piping and tubing shall be tested and proven free of leaks at a pressure not less than the normal operating pressure of the system.~~
 - ~~j) Connecting more than one storage tank to a single manifold line is prohibited unless the combined rated flow of the excess flow valves in all connected tanks does not exceed the maximum capacity of the main manifold line. Should the capacity of the line be reduced, excess flow valves of equal to or smaller capacity than the maximum capacity of the line are to be installed at the point of reduction.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.50 Hose Specifications

- a) Hose used in ammonia service and subject to container pressure shall conform to the American National Standard RMA IP-14, "Specifications for Anhydrous Ammonia Hose".
- b) Hose subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 psig.
- c) Hose and hose connections located on the low-pressure side of flow control, or pressure-reducing valves on devices discharging to atmospheric pressure, shall be designed for the maximum low-side working pressure. All connections shall be

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designed, constructed, and installed so that there will be no leakage when connected. Shutoff valves on the end of liquid and vapor transfer hoses shall be equipped with bleed valves to enable the operator to bleed off pressure prior to disconnecting the hoses except when using minimum loss valve.

- d) Where liquid transfer hose is not drained of liquid upon completion of transfer operations, such hose shall be equipped with an approved shutoff valve at the discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose.
- e) On all hose 0.5 inch O.D. and larger used in ammonia service and subject to container pressure, there shall be etched, cast, or impressed at 5 ft. intervals on the outer hose cover the following information:

Anhydrous Ammonia
XXX psig (Maximum Working Pressure)
Manufacturer's Name or Trademark
Year of Manufacture

- f) Hose in service shall be requalified periodically in accordance with requirements specified in CGA P-7, Standard for Requalification of Cargo Tank Hose Used in the Transfer of Carbon Dioxide Refrigerated Liquid.
- g) Hoses used for transferring material (both liquid and vapor) to and from nurse tanks shall be restricted to a 30 feet maximum length and shall be racked when not in use to prevent undue damage to hose.
- a) Hoses used in anhydrous ammonia service and subject to container pressure shall conform to the joint Rubber Manufacturers Association's and the Fertilizer Institute's "Hose Specifications for Anhydrous Ammonia" (Table B of the Joint Association's booklet).
- b) Hoses subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose assemblies shall be capable of withstanding a test pressure of 500 psig.
- e) Hose and hose connections located on the low pressure side of flow control or pressure reducing valves on devices discharging at atmospheric pressure shall be designed for the maximum low side working pressure. All connections shall be designed, constructed, and installed so there will be no leakage when connected.
- d) Where liquid transfer hose is not drained upon completion of transfer operations, such hose shall be equipped with an approved shutoff valve at the discharge end. Provisions shall be made to prevent excessive pressure in the hose (see 8 Ill. Adm. Code Section 215.55(j)).
- e) On hoses one half inch in diameter or larger which are used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at

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~~five foot intervals the following information:~~

~~Anhydrous Ammonia
xxx psig (Maximum Working Pressure)
Manufacturer's Name or Trademark
Year of Manufacture~~

- f) ~~Hoses used for transferring material (both liquid and vapor) to and from nurse tanks shall be restricted to a 25 feet maximum length and shall be racked when not in use to prevent undue damage to hose.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.55 Safety Relief Devices

- a) Every container used in systems covered by Sections 215.85, 215.110, and 215.115 without permanent supply piping to another source of excess pressure shall be protected from excess pressure by one or more pressure relief valves of the spring loaded type conforming with applicable requirements of ASME UG-125(c)(3); UL-132, "Standard on Safety Relief Valves for Anhydrous Ammonia and LP Gas", or other equivalent pressure relief valve standard.
- b) Pressure relief valves shall be in direct communication with the vapor space of the container. All pressure relief discharge openings shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensate that may accumulate.
- c) The discharge from pressure relief valves shall be vented away from the container, upward, and unobstructed to the atmosphere.
- d) Container relief device pressure shall be set to discharge at no more than 125% maximum allowable working pressure for containers built by the 1949 ASME Code Sections U-68 and U-69, and no more than 100% for those built by all subsequent ASME Codes. Set pressure tolerance is +10% to 0% for non-refrigerated containers.
- e) Pressure relief valves used on containers covered by Sections 215.85, 215.110, and 215.115 shall be constructed to discharge at not less than the rates required in Appendix B before the pressure is in excess of 121% of the maximum allowable working pressure of the container. Relief protection for any other reason shall use ASME UG-125 through UG-136.
- f) Pressure relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment.

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- g) Shutoff valves shall not be installed between the pressure relief valves and the containers or systems covered by Sections 215.85, 215.110, and 215.115.
- h) Relief valves shall be installed in a manifold that has a required rate of discharge and so installed to allow either of the pressure relief valves to be closed off but does not allow both pressure relief valves to be closed off at the same time, or other suitable device so that they can be replaced while the container remains pressurized. Containers designed with internal pressure relief systems are exempt from this requirement.
- i) Each pressure relief valve used with systems covered by Sections 215.85, 215.110, and 215.115 shall be plainly and permanently marked as follows:
- 1) With the letters "AA" or the symbol "NH₃";
 - 2) The pressure in psig at which the valve is set to start-to-discharge;
 - 3) The rate of discharge of the valve in cubic feet per minute of air at 60°F and atmospheric pressure;
 - 4) Year of manufacture; and
 - 5) The manufacturer's name and catalog number.
- j) Piping or connections on either the upstream or downstream side shall not restrict the flow capacity of the relief valve.
- k) The manufacturer or supplier of a pressure relief valve manifold shall publish complete data showing the flow rating through the combined assembly of the manifold with pressure relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings, or those having the lowest flow, shall be used to establish the flow rate marked on the manifold nameplate. The marking shall be similar to that required in Section 215.55 for individual valves.
- l) A hydrostatic relief valve, venting into the atmosphere at a safe location, shall be installed between each pair of shutoff valves in an ammonia line where the liquid may be trapped, except when the hose or line is protected by an internal equalizing valve with a differential pressure so designed as to not exceed 50 psig. Refrigerated ammonia terminals may utilize hydrostatic relief valves with set points less than 350 psig and not in excess of 500 psig for piping systems.
- m) The discharge opening from any pressure relief valve shall not terminate inside any building or below the highest roof line of any such building.
- n) A pressure relief device shall be subject to a systematic, periodic, visual external inspection at least annually to determine that it:
- 1) Meets the applicable requirements specified in this Section;
 - 2) Is free of evidence of tampering, damage, corrosion, or foreign matter that might prevent proper operation;
 - 3) Is free of leakage when subject to pressures below the minimum allowable

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start-to-discharge setting:

- 4) Has a properly installed rain cap or other device to avoid entry of moisture or other matter into the relief valve outlet; and
- 5) Has an open weep hole to permit moisture to escape.
- o) Any deficiency as may be found in subsection (n) shall require immediate corrective action, replacement, or repair of the pressure relief device as may be appropriate.
- p) As of January 1, 2004 no container pressure relief device shall be used over 5 years after installation and in no instance no more than 7 years past the manufactured date. Records shall be maintained that identify each container and indicate the date of installation for the pressure relief devices. If no date is specified, a pressure relief valve shall be replaced no later than five years following the date of its manufacture or last repair unless it has first been disassembled, inspected, repaired, and tested by the manufacturer, or by a qualified repair organization, in a manner such that the valve's condition and performance is certified as being equivalent to the standards for the original valve. The data regarding repairs or reassembly shall be indicated by stamping the body or attaching a tag pertaining to the valve with the month and year to replace or re-certify.
- a) ~~Every container used in the storage or transporting of anhydrous ammonia shall be provided with one or more safety relief valves of the spring loaded type. The discharge from safety relief valves shall be vented away from the container, upward and unobstructed into the atmosphere. All safety relief valve discharge openings shall have raincaps that will allow free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensation which may accumulate. The rate of discharge shall be in accordance with 8 Ill. Adm. Code Section 215. Table A.~~
- b) ~~Container safety relief valves shall be set to start to discharge in relation to the design pressure of the container as follows:~~

Containers	Minimum	Maximum
ASME U 68, U 69	110%	125%
ASME U 200, U 201	95%	100%
ASME 1952, 1956, 1959, 1962, 1965, 1968 or 1971	95%	100%
API ASME	95%	100%

~~Containers — Minimum — Maximum —
ASME U 68, U 69 — 110% — 125% —~~

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~~ASME U-200, U-201 95%—100%—
ASME 1952, 1956, 1959
1962, 1965, 1968 or 1971—95%—100%—
API-ASME—95%—100%—~~

~~Department of Transportation (as required by Hazardous Materials Regulations,
Section 173.315 (I-3 and 3).~~

- e) ~~Safety relief devices shall be constructed to discharge at not less than the rates required in 8 Ill. Adm. Code 215.55(a) before the pressure is in excess of 120% (not including the 10% tolerance referred to in 8 Ill. Adm. Code 215.55(b) of the maximum permitted start to discharge pressure setting of the device.~~
- d) ~~Safety relief valves shall be arranged so the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valve adjustment shall be sealed.~~
- e) ~~Shutoff valves shall not be installed between the safety relief valves and the containers, except a shutoff valve may be used where the arrangement of this valve always affords required capacity flow through the relief valves. Examples:~~
- 1) ~~A three-way valve installed under two safety relief valves, each of which has the required rate of discharge and is so installed as to allow either of the safety valves to be closed, but does not allow both safety valves to be closed at the same time.~~
 - 2) ~~Two separate relief valves are installed with individual shutoff valves. In this case, the two shutoff valve stems shall be mechanically interconnected in a manner which will allow full required flow of one safety relief valve at all times.~~
 - 3) ~~A safety relief valve manifold which allows one valve of two, three, four, or more to be closed and the remaining valve(s) will provide not less than the rate of discharge to allow the proper cubic feet per minute of air in relation to tank capacity as shown in 8 Ill. Adm. Code Section 215. Table A.~~
- f) ~~Safety relief valves shall have direct communication with the vapor space of the container.~~
- g) ~~Each safety relief valve used with systems shall be plainly and permanently marked as follows:~~
- 1) ~~With the letters "AA" or the symbol "NH3".~~
 - 2) ~~The pressure in psig at which the valve is set to start to discharge.~~
 - 3) ~~The rate of discharge of the valve in cubic feet per minute of the air at 60 degrees F. and atmospheric pressure (14.7 psia).~~
 - 4) ~~The manufacturer's name and catalog number. For example: A safety relief valve marked AA-250-4200 (air) means this valve is suitable for use on an anhydrous ammonia container, it is set to start to discharge at 250~~

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- ~~psig, and its rate of discharge (see 8 Ill. Adm. Code Section 215.55 (a), (b) and (c)) is 4200 cubic feet per minute of air.~~
- h) ~~The flow capacity of the safety relief valve shall not be restricted by any connection to it on either the upstream or downstream side.~~
- i) ~~The manufacturer or supplier of a safety relief valve manifold shall furnish complete data showing the flow rating through the combined assembly of the manifold with safety relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings or those having the lowest flow shall be used to establish the flow rate marked on the manifold nameplate. The markings shall be the same as required in 8 Ill. Adm. Code Section 215.55(g) for individual valves.~~
- j) ~~A hydrostatic relief valve, venting to atmosphere at a safe location, shall be installed between each pair of shutoff valves in an ammonia line where the liquid may be trapped, except when the hose or line is protected by an internal equalizing valve with a differential pressure so designed as to not exceed 50 psig. The start to discharge pressure of hydrostatic relief valves shall be not less than 350 psig and not in excess of 400 psig.~~
- k) ~~Discharge from safety relief devices shall not terminate within or beneath any building.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.60 Filling Densities Safety

- a) ~~Filling density is limited to 85% capacity by volume at 60°F.~~
- b) ~~The filling densities for non-refrigerated containers shall not exceed the following:~~
- 1) ~~Uninsulated aboveground 56%;~~
- 2) ~~Insulated aboveground 57%.~~
- c) ~~Department of Transportation containers shall be filled in accordance with Hazardous Materials Transportation Regulations, Section 173.315(m)(5).~~
- d) ~~If containers other than refrigerated containers are to be filled according to liquid level by any gauging method other than a fixed length dip tube gauge, each container should have a thermometer well and thermometer so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.~~
- a) ~~A competent attendant is required to transfer anhydrous ammonia and shall be trained in safe operating practices, use of equipment, safety devices, and the proper action to take in the event of emergencies.~~

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- b) ~~All storage systems shall have on hand, as a minimum, the following equipment for emergency and rescue purposes:~~
- 1) ~~One gas mask with 2 refill canisters suitable for anhydrous ammonia use. Canisters shall not be opened until ready for use and shall be discarded after use. Canisters outside date limitations will not be accepted as meeting the requirements of this rule.~~
 - 2) ~~One pair of protective gloves made of material impervious to anhydrous ammonia (NH₃).~~
 - 3) ~~One pair of protective boots made of material impervious to anhydrous ammonia (NH₃).~~
 - 4) ~~One protective slicker or protective pants and jacket made of material impervious to anhydrous ammonia (NH₃).~~
 - 5) ~~Easily accessible shower or at least 75 gallons of clean water in an open top container.~~
 - 6) ~~Tight fitting, vented chemical goggles.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.65 Transfer of Liquids Filling Densities

- a) If it is found necessary to dispose of anhydrous ammonia, it shall be discharged into a vessel containing water sufficient to absorb it. Sufficient water shall be at least ten parts of water per one part anhydrous ammonia. The anhydrous ammonia shall be injected into the water as near the bottom of the vessel as practical.
- b) A competent attendant shall supervise the transfer of liquids from the time the connections are first made until the rail car is finally disconnected or the transport truck is completely unloaded and finally disconnected. Any time the site is unattended, the tank car shall not be connected to the unloading riser. During the transfer operations of the transport, chock blocks shall be so placed as to prevent rolling of the vehicle.
- c) Containers shall be filled or used only upon authorization of owners.
- d) Containers shall be gauged and charged only in the open air or in a building especially provided for that purpose.
- e) Pumps used for transferring anhydrous ammonia shall be recommended for anhydrous ammonia service by the manufacturer or documented for such service by the owner/operator using recognized and accepted good engineering methods.
 - 1) Liquid pumps may be piston, rotary, centrifugal or regenerative type for 250 psig working pressure.
 - 2) Positive displacement pumps shall be equipped with a pressure actuated

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- by-pass valve on the discharge side of the pump. This valve shall operate to limit the pressure developed by the pump to the maximum for which the pump is rated. Piping or tubing sized to carry the full capacity of the pump at the actuation pressure of this valve shall connect the discharge of this valve with the container from which ammonia is being pumped. If this line is capable of being closed off by a valve, an additional by-pass device shall be incorporated in the pump to by-pass back to the suction port. The pressure actuated by-pass valve and the return piping or tubing shall be installed in accordance with the pump manufacturer's recommendations or documented for such service by the owner/operator using recognized and generally accepted good engineering methods.
- 3) A pressure gauge graduated from at least 0 to 400 psig shall be installed before the relief valve line on the discharge side of the pump.
- 4) Centrifugal or regenerative pumps do not require a bypass valve, but the installation shall incorporate a line from the discharge side of the pump to the vapor space of the supplying tank and a shutoff valve shall be installed in this line.
- f) Plant piping shall contain shutoff valves located as close as practical to the pump connections.
- g) Compressors used for transferring or refrigerating ammonia shall be recommended for ammonia service by the manufacturer or documented for such service by the owner/operator using recognized and generally accepted good engineering methods.
- 1) Compressors, except those used for refrigeration, shall be designed for at least 250 psig working pressure. Crank cases of compressors not designed to withstand system pressure shall be protected with a suitable pressure relief valve.
- 2) Plant piping shall contain shutoff valves located as close as practical to compressor connections.
- 3) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve. The discharging pressure of this valve shall not exceed 300 psig and shall be installed so that it will be vented in a safe location if discharged.
- 4) Compressors, except those used in refrigeration, shall have pressure gauges graduated from 0-400 psig at suction and discharge.
- 5) Adequate means, such as a drainable liquid trap, shall be provided on the compressor suction to minimize the entry of the liquid into the compressor.
- h) Loading and unloading systems shall be protected by backflow check valves or properly rated excess flow valves to prevent the emptying of the storage

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- containers in the event of severance of the hose.
- i) Transport trucks shall not be utilized for bulk storage of anhydrous ammonia. It must be transferred into permanent storage of a capacity equal to or greater than the transport truck.
 - j) Railway tank cars must be transferred into permanent storage of a capacity equal to 50% of the railway tank car.
 - k) All storage tank system liquid and vapor valves must be closed and locked during the time the plant is unattended. Either hose end lock boxes or locking caps or chains may be used on the risers. In lieu of locking the valves, a security fence with two gates on opposite sides shall be installed and kept locked during the time the plant is unattended.
 - l) The transfer of anhydrous ammonia from a tank car or transport to any other unit for the purpose of converting anhydrous ammonia to aqueous ammonia shall only be done upon a railway spur owned or leased to the operator of such facility where the railway tank car can be retained for an indefinite period and where an aqueous converter is installed at a site. The transfer must be done in one continuous operation. The requirements of Section 215.30 must be met before the site and facility will be approved by the Department. Approved anhydrous ammonia installations designed for converting aqueous ammonia must have sufficient permanent storage to permit continuous and uninterrupted unloading from railway tank cars or trucks.
 - m) Provision must be made to prevent bleeding of transport and rail car liquid lines or hoses into the atmosphere when disconnecting. This shall be done through the use of a wet hose with a shutoff valve at each end of the hose, by bleeding into water at no greater rate than one gallon of anhydrous ammonia to ten gallons of ammonia-free water to prevent discharge of fumes into the atmosphere, or with an approved recovery vapor system.
 - n) A certified statement shall be filed on forms furnished by the Department stating that all the requirements, safety equipment, and requirements of this Part have been met. This statement must be filed with the Department before final approval of the facility will be given by the Department. No operation shall begin until final approval has been issued.
 - o) The filling of mobile containers with a capacity of 3,000 gallons or less with anhydrous ammonia is permissible only at a permanent storage facility approved by the Department for this purpose. Anhydrous ammonia may be transferred from a cargo tank motor vehicle with a maximum capacity of 6,000 gallons into containers of 3,000 gallons capacity or less mounted on farm vehicles or containers of 6,000 gallons mounted on motor-driven applicators. This transfer operation is limited to rural areas and only on the premises of the consignee. This transfer operation must meet all safety requirements of Section 215.20.

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- Department approved anhydrous ammonia meters or on board scales shall be employed for this operation. Meters or on board scales shall conform with the Weights and Measures Act [225 ILCS 470]. The selling price quotation, actual billing, and reporting to the Department shall be done in pounds or tons.
- p) Meters used for the measurement of liquid anhydrous ammonia shall be recommended for ammonia service by the manufacturer and approved by the Department. When dual purpose meters are used and when changing from LPG to anhydrous ammonia or vice versa, it is necessary to adjust the coefficient of the expansion scale to the proper setting for the product being metered. This adjustment will require the removal of the Illinois Weights and Measures Seal. Section 42 of the Weights and Measures Act requires that the person who breaks such seal be registered pursuant to that Act.
- q) Liquid meters shall be designed for a minimum working pressure of 250 psig.
- r) The metering system shall incorporate devices that will prevent the inadvertent measurement of vapor.
- s) Transferring of anhydrous ammonia from a DOT cargo tank motor vehicle must comply with Sections 177.834 (a) to (j) and 177.840 of the Illinois Hazardous Materials Transportation Regulations.
- a) Filling density is limited to 85% capacity by volume at 60 degrees F.
- b) The filling densities for nonrefrigerated containers shall not exceed the following:

	Aboveground	Underground
1) Uninsulated	56%	58%
2) Insulated	57%	
3) Department of Transportation containers shall be filled in accordance with Hazardous Materials Transportation Regulations (Subch. C, Rule 171.6).		

- e) The filling density for refrigerated storage tanks shall be such that the tanks will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start to discharge pressure setting of the safety relief valve.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.70 Liquid Level Gauging Devices ~~Transfer of Liquids~~

- a) Each container, except those filled by weight, shall be equipped with an approved liquid level gauging device.
- b) Each container or system covered in Sections 215.85, 215.110, and 215.115 shall be fitted with a liquid level gauge indicating the maximum level to which the

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container may be filled with liquid anhydrous ammonia at temperatures between 20°F and 100°F, except on containers provided with fixed maximum level indicators, such as fixed length dip tubes or containers that are filled by weight. Marks shall be in increments of not more than 20°F. See Section 215.60 regarding the requirement for thermometer well and thermometer.

- c) Gauging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube devices, shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 (0.055 in.) drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in Section 215.115.)
- d) Gauging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.
- e) Fixed maximum liquid level gauges shall be designed and installed to indicate a volumetric level not to exceed 85% of the container's water capacity.
Note: This does not apply to refrigerated storage.
- f) Gauge glasses of the columnar type shall be restricted to stationary non-refrigerated storage installations. They shall be equipped with shutoff valves having metallic hand wheels, excess flow valves, and extra heavy glass adequately protected with a metal housing applied by the gauge manufacturer. They shall be shielded against the direct rays of the sun.
- ~~a) A competent attendant shall supervise the transfer of liquids from the time the connections are first made until the rail car is finally disconnected or the transport truck is completely unloaded and finally disconnected. Any time site is unattended, the tank car shall not be connected to the unloading riser. During the transfer operations of the transport, chock blocks shall be so placed as to prevent rolling of the vehicle.~~
- ~~b) Containers shall be filled or used only upon written authorization of owners.~~
- ~~e) Containers shall be gauged and charged only in the open air or in a building especially provided for that purpose.~~
- ~~d) Pumps used for transferring anhydrous ammonia shall be recommended and labelled for anhydrous ammonia service by the manufacturer.~~
 - ~~1) Liquid pumps may be piston, rotary, centrifugal or regenerative type for 250 psig working pressure.~~
 - ~~2) Positive displacement pumps shall have installed off the discharge port a constant differential relief valve discharging through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to pump manufacturer's recommendation.~~
 - ~~3) A pressure gauge graduated from 0 to 400 psig shall be installed before~~

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- ~~the relief valve line on the discharge side of the pump.~~
- 4) ~~Centrifugal or regenerative pumps do not require a bypass valve, but the installation shall incorporate a line from the discharge side of the pump to the vapor space of the supplying tank and a shutoff valve shall be installed in this line.~~
- e) ~~Plant piping shall contain shutoff valves located as close as practical to the pump connections.~~
- f) ~~Compressors used for transferring or refrigerating anhydrous ammonia shall be recommended and labelled for anhydrous ammonia service by the manufacturer.~~
- 1) ~~Compressors may be reciprocating or rotary design for 250 psig working pressure.~~
- 2) ~~Plant piping shall contain shutoff valves located as close as practical to compressor connections.~~
- 3) ~~A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve. The discharging pressure of this valve shall not exceed 300 psig and shall be installed so that it will be vented in a safe location if discharged.~~
- 4) ~~Compressors shall have pressure gauges graduated from 0-400 psig at suction and discharge.~~
- 5) ~~Adequate means, such as a drainable liquid trap, shall be provided on the compressor suction to minimize the entry of the liquid into the compressor.~~
- g) ~~Loading and unloading systems shall be protected by backflow check valves or properly sized excess flow valves to prevent the emptying of the storage container(s) in the event of severance of the hose.~~
- h) ~~Transport trucks shall not be utilized for bulk storage of anhydrous ammonia. It must be transferred into permanent storage of a capacity equal to or greater than the transport truck.~~
- i) ~~Railway tank cars must be transferred into permanent storage of a capacity equal to 50% of the railway tank car. Sites not able to meet the 50% transfer requirement shall apply to the Department annually for a Letter of Authorization. The Department shall, after inspecting the site and its facilities and if these are found in compliance with these rules, except for the 50% transfer requirement, issue a one year permit allowing the transfer of anhydrous ammonia at such site. In the case of Paragraph k of this section, no letter of authorization is required.~~
- j) ~~All transport or railroad loading and unloading riser liquid and vapor valves must be secured valves or a security fence with two gates on opposite sides shall be installed and kept locked during the time the plant is unattended.~~
- k) ~~The transfer of anhydrous ammonia from a tank car or transport to any other unit for the purpose of converting anhydrous ammonia to aqueous ammonia shall only be done upon a railway spur owned or leased to the operator of such facility~~

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~~where the railway tank car can be retained for an indefinite period and where an aqueous converter is installed at a site. The transfer must be done in one continuous operation. The requirements of Section 215.35 must be met before such site and facility will be approved by the Department. Approved anhydrous ammonia installations designed for converting aqueous ammonia must have sufficient permanent storage to permit continuous and uninterrupted unloading from railway tank cars or trucks.~~

- ~~t) Provision must be made to prevent bleeding of transport and rail car liquid lines or hoses into the atmosphere when disconnecting. This shall be done through the use of wet hose with a shut off valve at each end of the hose, by bleeding into water at no greater rate than one gallon of anhydrous ammonia to ten (10) gallons of ammonia free water to prevent discharge of fumes into the atmosphere, or with an approved recovery vapor system.~~
- ~~m) A certified statement shall be filed on forms furnished by the Department stating that all the requirements, safety equipment, and the requirement of these rules have been met. This statement must be filed with the Department before final approval of facility will be given by the Department. No operation shall begin until final approval has been issued.~~
- ~~n) The filling of mobile containers with a capacity of 2000 gallons or less with anhydrous ammonia is permissible only at a permanent storage facility approved by the Department for this purpose. Anhydrous ammonia may be transferred from a transport truck or other vehicle with a maximum capacity of 5,000 gallons into containers of 2,000 gallons capacity or less mounted on farm vehicles or containers of 3,000 gallons mounted on motor driven applicators. This transfer operation is limited to rural areas and only on the premises of the consignee. Department approved anhydrous ammonia meters shall be employed for this operation. Meters shall conform with the Weights and Measures Act (Ill. Rev. Stat. 1979, Ch. 147, Para. 101 et seq.). The selling price quotation, actual billing, and reporting to the Department shall be done in pounds or tons.~~
- ~~o) Meters used for the measurement of liquid anhydrous ammonia shall be recommended and labelled for ammonia service by the manufacturer and approved by the Department. When dual purpose meters are used and when changing from LPG to anhydrous ammonia or vice versa, it is necessary to adjust the coefficient of the expansion scale to the proper setting for the product being metered. This adjustment will require the removal of the Illinois Weights and Measures Seal. Paragraph 142 of the Illinois Weights and Measures Law (Ill. Rev. Stat. 1979, Ch. 147) requires that the person who breaks such seal be registered pursuant to that Act.~~
- ~~p) Liquid meters shall be designed for a minimum working pressure of 250 psig.~~
- ~~q) The metering system shall incorporate devices that will prevent the inadvertent~~

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~~measurement of vapor.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.75 Painting of Containers ~~Tank Car Operations~~

All uninsulated containers shall be painted white or a light reflecting color.

- a) ~~Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching car from open end or ends of siding. These signs shall be left up until after car is unloaded and disconnected from discharge connections. Durable signs shall be at least 12 by 15 inches in size and bear the words "STOP-Tank Car Connected" or "STOP-Men at Work". The word "STOP" shall be in letters at least 4 inches high and the other words in letters at least 2 inches high on a background of contrasting color.~~
- b) ~~The track of a tank car siding shall be substantially level.~~
- c) ~~Brakes shall be set and wheels blocked on all cars being unloaded.~~
- d) ~~Tank cars of anhydrous ammonia shall be unloaded only at permanent storage locations.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.80 Electrical Equipment and Wiring ~~Liquid Level Gauging Devices~~

- a) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.
- b) Where concentrations of ammonia in air in excess of 16% by volume are likely to be encountered, electrical equipment and wiring shall be installed to comply with the requirements specified for use in hazardous locations, Class I, Group D, of ANSI/NFPA 70, National Electrical Code, Articles 500 and 501.
- a) ~~Each container, except containers filled by weight, shall be equipped with a liquid level gauging device of approved design.~~
- b) ~~All gauging devices shall be arranged so that the maximum liquid level to which the container may be filled is readily determined.~~
- c) ~~Gauging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless the device is equipped with an excess flow valve.~~
- d) ~~Gauging devices shall have a design working pressure at least equal to the design pressure of the storage tank on which they are used.~~
- e) ~~Fixed liquid level gauges shall be so designed that the maximum volume of the~~

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~~container filled by liquid shall not exceed 85 percent of its water capacity. The coupling into which the fixed liquid level gauge is threaded must be placed at the 85 percent level of the container. If located elsewhere, the dip tube of this gauge must be installed in such a manner that it cannot be readily removed. This does not apply to refrigerated storage of anhydrous ammonia.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.85 Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground Non-Refrigerated Storage Painting of Containers

- a) This Section applies to stationary, pier-mounted, skid-mounted, aboveground non-refrigerated storage installations using containers other than those constructed in accordance with DOT specifications. Section 215.25 applies to this Section unless otherwise noted. Underground storage tanks are prohibited.
- b) The minimum design pressure for non-refrigerated containers shall be 250 psig. U-68 and U-69 ASME Code containers with a design pressure of 200 psig are acceptable for reinstallation if re-certified to 250 psig in accordance with National Board Inspection Code procedures.
- c) All vapor and liquid connections, except for pressure relief valves and those specifically exempted in Section 215.40, shall be equipped with approved excess flow valves (back-pressure check valves are acceptable for filling connections); or, in lieu thereof, may be fitted with approved quick-closing internal valves that, except during operating periods, shall remain closed.
- d) Each storage container shall be provided with a pressure gauge graduated from 0 psig to 400 psig. Gauges shall be designated for use in ammonia service.
- e) All containers shall be equipped with a suitable vapor equalizing connection.
- f) All containers shall be equipped with a fixed maximum liquid level gauge.
- g) Every container shall be provided with one or more pressure relief valves of spring-loaded or equivalent type that shall comply with the following specifications:
 - 1) Relief valves shall be installed in a manifold or other suitable device so that they can be replaced while the container remains pressurized. Internal relief valves are exempt from this requirement.
 - 2) The discharge from pressure relief valves shall be vented away from the container, upward and unobstructed to the open air to an area such that persons, property, and the environment will not be harmed. Vent pipes shall not be restrictive or smaller in size than the pressure relief valve outlet connection. All pressure relief valves shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of

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- water. Suitable provision shall be made for draining condensate that may accumulate.
- 3) If desired, vent pipes from two or more pressure relief devices located on the same unit, or similar lines from one or more different units, may be run into a common header, provided the cross-sectional area of the header is at least equal to the sum of the cross-sectional areas of the individual vent pipes.
- h) Internal relief valves shall not be used on any tank manufactured after January 1, 2003.
- i) Containers shall be provided with substantial reinforced concrete footings and foundations or structural steel supports mounted on reinforced concrete foundations. In either case, the reinforced concrete foundations or footings shall extend below the established frost line and shall be of sufficient width and thickness to support the total weight of the containers and contents adequately. Where required by local codes, seismic loads shall be considered in the design of the footings and foundations. The foundation shall maintain the lowest point of the tank not less than 36 inches above the ground. Floating type foundations shall also be acceptable providing the foundations are designed to adequately support tank, contents, and piping. See Section 215.45. Skid-mounted units shall include all piping and pumps or compressors as one unit. If the design of such a unit precludes a minimum of 24 inches ground-to-tank clearance, bottom-side inlet, outlet valves and piping are prohibited. Skid-mounted anhydrous ammonia storage tanks must be installed on permanent concrete footings or adequate floating reinforced concrete slabs.
- j) Horizontal aboveground containers shall be mounted on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads. If supports of the saddle type are employed, the bearing afforded by the saddles shall extend over at least one third of the circumference of the shell. Suitable means for preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.
- k) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.
- l) All anhydrous ammonia storage locations shall have a permanent working platform installed at each nurse tank or applicator loading location. The working platform shall be designed to allow for connecting and disconnecting of transfer hoses without standing on equipment being loaded. Note: This Section does not apply to nurse tanks or applicators with a working surface designed for loading purposes.
- m) Effective September 1, 2004, all stationary storage installations with systems for

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filling nurse tanks or cargo vessels with container capacity of 5000 W.G. or less shall have all vapor and liquid risers protected against any break resulting from a pull-away. Each vapor and liquid hose shall be protected with an individually properly rated excess flow, a manual control valve, and a break-away or shear fitting designed to conform with good engineering practices.

- n) The horizontal distance between aboveground containers of over 2000 gallon capacity shall be at least 5 feet.
- o) Each container or group of containers shall be marked on at least two sides that are visible with the words ANHYDROUS AMMONIA or CAUTION – AMMONIA in sharply contrasting colors with letters not less than 4.0 inches high. Two diamond type, non-flammable gas, UN 1005, Department of Transportation placards may be displayed with letters not less than 4.0 inches high.
- p) Containers and appurtenances shall be located or protected by suitable barriers so as to avoid damage by trucks or other vehicles. Main container shutoff valves shall be kept closed and locked when the installation is unattended.
- q) Storage containers need not be electrically grounded. When an electrical system exists, such as for lights or pump motors, the electrical system shall be installed and grounded in a manner as required by the National Electrical Code or local ordinance.
- r) A sign with letters of a minimum height of two inches giving the name and telephone number, including area code, of owner, manager or agent of the anhydrous ammonia storage location shall appear at the site entrances to the property or apart from the storage tanks.

~~All aboveground containers shall be painted white or a light reflecting color.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.90 Refrigerated Storage Information Sign

- a) This Section applies specifically to systems using tanks for storage of anhydrous ammonia under refrigerated conditions. Section 215.25 applies to this Section unless otherwise stated.
- b) Tanks may be designed for any storage pressure desired as determined by economical design of the refrigerated system.
- c) The design temperature shall be the minimum temperature to which the container will be refrigerated and shall be so designated.
- d) Containers with a design pressure exceeding 15 psig shall be constructed in accordance with Section 215.25 and the material shall be selected from those listed in API Standard 620, Design and Construction of Large, Welded, Low-

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Pressure Storage Tanks, Tables 2.02, R.2.2, R.2.3, or R.2.4.

- e) Tanks with a design pressure of 15 psig or less shall be constructed in accordance with the general requirements of API Standard 620, including Appendix R.
- f) When austenitic stainless steels or nonferrous metals are used, the ASME Code shall be used as a guide in selection of materials for use at the design temperature.
- g) Tanks shall be supported on suitable noncombustible foundations designed to accommodate the type of tank being used.
- h) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur.
- i) Tanks storing product at less than 32°F shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and subsequent frost heaving of the soil.
- j) The area surrounding a refrigerated tank, or group of such tanks, shall be provided with drainage, diked, or provided with other secondary containment systems to prevent accidental discharge of liquid from spreading to uncontrolled areas.
- k) When drainage is employed, a slope of not less than 1% shall be provided. The drainage system shall terminate in an impounding basin having a capacity as large as the largest tank served.
- l) Provision shall be made for the drainage of rain water from the dike or impounding area. Such drainage shall be provided with a positive means to stop the flow.
- m) Where a dike is employed, the capacity of the diked enclosure shall be 110% of the capacity of the largest tank served. When computing the volume of the dike, allowance shall be made for the volume displaced by all other containers in the diked area.
- n) The walls of a diked enclosure or the wall of an impounding basin used in a drainage system shall be of earth, steel, concrete, or other suitable material designed to be liquid tight and to withstand the hydrostatic pressure and temperature. Earth walls shall have a flat top at least 2 feet wide. The slope shall be stable and consistent with the angle of repose of the earth used.
- o) The ground in an impounding basin or with a diked enclosure should be graded so that small spills or the early part of a large spill will accumulate at one side or corner, thereby contacting only a relatively small area of ground and exposing a relatively small area for heat gain. Shallow channels in the ground surface or low curbs of earth can help guide the liquid to these low areas without contacting a large ground area.
- p) Each refrigerated container shall be marked with a nameplate on the outer covering in an accessible place as specified in the following:
 - 1) With the name and address of the builder and the date of fabrication;
 - 2) With the maximum volume or weight of the product, whichever is most

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- meaningful to the user:
- 3) With the design pressure;
 - 4) With the minimum temperatures in degrees Fahrenheit (°F) or degrees Celsius (°C) for which the container was designed;
 - 5) With the maximum allowable water level to which the container may be filled for the test purposes;
 - 6) With the density of the product in pounds per cubic foot or kilograms per cubic meter for which the container was designed; and
 - 7) With the maximum level to which the container may be filled with liquid anhydrous ammonia.
- q) Each refrigerated container shall be marked on two directly opposite sides at near eye level with the words ANHYDROUS AMMONIA or CAUTION – AMMONIA in sharply contrasting colors with letters not less than 4.0 inches high.
- r) Each refrigerated container shall be conspicuously marked with a hazard warning label complying with 29 CFR 1910.1200.
- s) Shutoff valves shall be:
- 1) Provided for all connections except those with a No. 54 (0.055 inches) drill size restriction, plugs, pressure relief valves, and thermometer wells; and
 - 2) Located as close to the tank as practical.
- t) A check valve shall be installed on the tank liquid fill connection if it is located below the maximum liquid level. A remotely operated shutoff valve shall be installed on other connections located below the maximum liquid level. See Section 215.65.
- u) Each refrigerated container shall be equipped with an approved liquid level gauging device and high liquid level alarm.
- v) The tank shall be provided with a system of one or more pressure relief valves that can limit the tank pressure below 115% (110% if only one pressure relief valve is used) of the design pressure during operational emergency conditions other than fire and below 121% of the design pressure during operational emergency conditions that include fire. One of the pressure relief valves shall be set to start to discharge at a pressure not in excess of the design pressure of the tank, and all other pressure relief valves needed to limit the tank pressure below 115% (110% if only one pressure relief valve is used) of the design pressure during operational emergency conditions other than fire shall be set to discharge at a pressure not in excess of 105% of the design pressure. All additional pressure relief valves needed to limit the tank pressure below 121% of the design pressure during operational emergency conditions, including fire, shall be set to start to discharge at a pressure not in excess of 110% of the design pressure.

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- w) The pressure relief valve set to discharge below 105% of the design pressure of the tank shall have a total relieving capacity in excess of the relieving capacity required to handle operating emergency conditions listed in subsection (x). The total relieving capacity of all the pressure relief valves in the system shall be the larger requirement of subsection (x) or (y).
- x) Possible refrigeration system upsets are cooling water failure; power failure; instrument air or instrument failure; mechanical failure of any equipment; excessive pumping rates; and changing atmospheric conditions.
- y) Use either of the following formulas for fire exposure. Relief valve sizing for fire protection may be adjusted to protect against the worst possible fire exposure.
- 1) For valve manufacturers who classify valves on the basis of the weight of the vapors to be relieved:

$$\underline{W} \equiv \frac{34\,500 F A^{0.82}}{\underline{L}}$$

- 2) For valve manufacturers who classify valves on the basis of air flow:

$$\underline{Qa} \equiv \frac{633\,000 F A^{0.82}}{\underline{LC}} \sqrt{\frac{\underline{ZT}}{\underline{M}}}$$

- 3) Where:

- W \equiv weight of vapors to be relieved in pounds/hour at relieving conditions
- Qa \equiv air flow in cubic feet per minute at standard conditions 60°F and 14.7 psi
- F \equiv fireproofing credit. Use F = 1.0 except when an approved fireproofing material of recommended thickness is used, in which case use F = 0.2
- A \equiv total surface area in square feet up to 25 feet above grade or to the equator of a sphere, whichever is greater
- Z \equiv compressibility factor of ammonia at relieving condition (if not known, use Z = 1.0)
- T \equiv temperature in degrees R (460 + temperature in °F of gas at relieving conditions)
- M \equiv molecular weight = 17 for ammonia
- L \equiv latent heat of ammonia at relieving conditions in Btu per pound

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C \equiv constant based on relation of specific heats (C may be obtained from the following table)

(If K is not known, use C = 315)

<u>K</u>	<u>C</u>	<u>K</u>	<u>C</u>	<u>K</u>	<u>C</u>
<u>1.00</u>	<u>315</u>	<u>1.26</u>	<u>343</u>	<u>1.52</u>	<u>366</u>
<u>1.02</u>	<u>318</u>	<u>1.28</u>	<u>345</u>	<u>1.54</u>	<u>368</u>
<u>1.04</u>	<u>320</u>	<u>1.30</u>	<u>347</u>	<u>1.56</u>	<u>369</u>
<u>1.06</u>	<u>322</u>	<u>1.32</u>	<u>349</u>	<u>1.58</u>	<u>371</u>
<u>1.08</u>	<u>324</u>	<u>1.34</u>	<u>351</u>	<u>1.60</u>	<u>372</u>
<u>1.10</u>	<u>327</u>	<u>1.36</u>	<u>352</u>	<u>1.62</u>	<u>374</u>
<u>1.12</u>	<u>329</u>	<u>1.38</u>	<u>354</u>	<u>1.64</u>	<u>376</u>
<u>1.14</u>	<u>331</u>	<u>1.40</u>	<u>356</u>	<u>1.66</u>	<u>377</u>
<u>1.16</u>	<u>333</u>	<u>1.42</u>	<u>358</u>	<u>1.68</u>	<u>379</u>
<u>1.18</u>	<u>335</u>	<u>1.44</u>	<u>359</u>	<u>1.70</u>	<u>380</u>
<u>1.20</u>	<u>337</u>	<u>1.46</u>	<u>361</u>	<u>2.00</u>	<u>400</u>
<u>1.22</u>	<u>339</u>	<u>1.48</u>	<u>363</u>	<u>2.20</u>	<u>412</u>
<u>1.24</u>	<u>341</u>	<u>1.50</u>	<u>364</u>		

4) Where:

$$K \equiv \frac{\text{Cp at atmospheric conditions}}{C_v}$$

Cp \equiv specific heat of vapor at constant pressure

Cv \equiv specific heat of vapor at constant volume

z) Shutoff valves of adequate flow capacity may be provided and used to facilitate inspection and repair of pressure relief valves. When a shutoff valve is provided, it shall be so arranged that it can be locked or sealed open, and it shall not be closed except by an authorized person who shall remain stationed there while the valve remains closed and who shall again lock or seal the valve open when leaving the station.

aa) Pressure relief valves shall comply with the following:

- 1) If stacks are used they shall be suitably designed to prevent obstruction by rain, snow, ice, or condensate.
- 2) The outlet size shall not be smaller than the nominal size of the pressure relief valve outlet connection.

bb) Discharge lines may be used if desired. Multiple pressure relief valves on the same storage unit may be run into a common discharge header. The discharge

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line and header shall be designed to accommodate the maximum flow and a back pressure not exceeding 10% of the design pressure of the storage container. This back pressure shall be included to limit total tank pressure below 121% of the design pressure given in subsection (v). No other container or system shall exhaust into this discharge line or header. The vent lines shall be installed to prevent accumulation of liquid in the lines.

- cc) The discharge from pressure relief valves shall be vented away from the container, upward and unobstructed to the open air to an area such that persons, property, and the environment will not be harmed. All pressure relief valves shall have suitable rain caps that will allow free discharge of the vapor and prevent the entrance of water. Suitable provision shall be made for draining condensate that may accumulate.
- dd) Atmospheric storage shall be provided with vacuum breakers of adequate capacity to respond to anticipated rates of liquid withdrawal and to rapid atmospheric changes so as to avoid damage to the container. Ammonia gas may be used to provide a pad.
- ee) Pressure relief valves used to protect other systems at refrigerated storage installations shall discharge to the open air unless connected to a control device as defined in Section 215.55.
- ff) Because emergency venting for a double-wall refrigerated storage tank is complex, no calculation method is presented here. A thorough analysis of the fire relief for a double-wall refrigerated storage tank should be conducted.
- gg) Refrigerated storage containers and appurtenances shall comply with the provisions of Section 215.40.
- hh) Containers of such size as to require a field fabrication shall, when moved and reinstalled, be reconstructed and re-inspected in complete accordance with the original requirements under which they were constructed. The containers shall be subjected to a pressure retest, and if re-rating is necessary, it shall be done in accordance with the applicable pressure of the original requirements.
- ii) The total refrigeration load shall be computed as the sum of the following:
- 1) Load imposed by heat flow into the container caused by the temperature differential between the ambient temperature and the storage temperature;
 - 2) Load imposed by heat flow into the tank caused by maximum sun radiation; and
 - 3) Maximum load imposed by filling the tank with ammonia warmer than the design storage temperature.
- jj) More than one storage tank may be handled by the same refrigeration system.
- kk) A minimum of two compressors shall be provided, either of which is of sufficient size to handle the loads listed in subsections (ii)(1) and (ii)(2), except as provided in subsection (mm). Where more than two compressors are provided, minimum

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- standby equipment equal to the largest normally operating equipment shall be installed. Compressors required for subsection (ii)(3) may be used as standby equipment for compressors required in subsections (ii)(1) and (ii)(2).
- ll) Compressors shall be sized to operate with a suction pressure at least 10% below the minimum setting of the pressure relief valves on the storage tank and shall withstand a suction pressure at least equal to 121% of the design pressure of the tank. Discharge pressure will be governed by condensing conditions.
- mm) Where facilities are provided to safely dispose of vented vapor to an automatic flare or to a process unit, a single compressor of sufficient size to handle the load listed in subsections (ii)(1) and (ii)(2) shall be allowed.
- nn) Each compressor shall have its own drive unit.
- oo) Any standard drive consistent with good design may be used.
- pp) An emergency source of power of sufficient capacity to handle the loads listed in subsections (ii)(1) and (ii)(2) shall be provided unless facilities are provided to safely dispose of vented vapors while the refrigeration system is not operating.
- qq) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the containers.
- rr) An emergency alarm system shall be installed to function in the event the pressure in the containers rises to the maximum or falls to the minimum allowable operating pressure.
- ss) An emergency alarm and shutoff shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.
- tt) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.
- uu) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line. The separator shall be equipped with a drain and gauging device. A maximum liquid level control with alarm should be installed.
- vv) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 psig and shall be equipped with a gauging device and drain valve. A maximum oil level control with alarm should be installed.
- ww) A separator shall be equipped with a pressure relief valve if the separator can be isolated with shutoff valves.
- xx) The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 psig. Provision shall be made for purging noncondensibles either manually or automatically.
- yy) The condenser shall be equipped with a pressure relief valve if the condenser can be isolated with shutoff valves.

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- zz) A condenser effluent receiver shall be provided that is equipped with automatic level controls and valving designed to discharge the liquid ammonia to storage, or with a high-pressure liquid drain trap of suitable capacity. The receiver shall be designed for at least 250 psig operating pressure and be equipped with the necessary connections, pressure relief valves, and gauging device.
- aaa) Refrigerated containers and pipeline that are insulated shall be covered with a material of suitable quality and thickness for the temperatures encountered. Insulation shall be suitably supported and protected against the weather. Weatherproofing and insulation shall be of a type that will not support flame propagation and will not cause corrosion when wet.
- bbb) Each refrigerated storage installation shall have on hand the minimum safety equipment required in Section 215.20.
- ccc) In addition to the safety equipment requirement in Section 215.20, each refrigerated storage installation shall have on hand at least two independently supplied, positive-pressure SCBAs and at least two approved encapsulating corrosive chemical suits that are impervious to ammonia. Each shall be designed to accommodate an SCBA.
- ddd) A sign with letters of a minimum height of two inches giving the name and telephone number, including area code, of owner, manager or agent of the anhydrous ammonia storage location shall appear at the site entrances to the property or apart from the storage tanks.

~~A sign with letters of a minimum heights of two inches giving the name, address, and telephone number of owner, manager or agent of the anhydrous ammonia storage location shall appear at the site entrance(s) to the property or apart from the storage tanks.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.95 Tank Car Operations ~~Electrical Equipment and Wiring~~

- a) Anhydrous ammonia tank cars shall be transferred only at permanent storage locations into permanent storage containers.
- b) Transfer operations shall be performed by a competent attendant.
- c) Rail track at tank car transfer positions shall be essentially level.
- d) Brakes shall be set and the wheels blocked in both directions on all tank cars being loaded or unloaded.
- e) Caution signs shall be so placed on the track or car to give necessary warning to persons approaching the car from the open end or ends of the siding. The signs must be of metal or other comparable material at least 12 inches high by 15 inches wide in size, and bear the words, STOP – TANK CAR CONNECTED or STOP – MEN AT WORK, the word STOP being in letters at least 4 inches high. Other

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words should be in letters at least 2 inches high. The letters must be white on blue background. A car so protected must not be coupled or moved. The signs must remain in place until the tank car valves have been closed and the transfer lines have been disconnected.

- f) A standard derail must be properly set and secured in the derailing position between the car being loaded or unloaded and other cars being moved on the same track.
- g) After a transfer, all valves shall be closed and transfer lines disconnected. Caps or plugs on tank car sample valves, liquid valves, vapor valves, and gauging device valves shall be replaced and made wrench tight. Slip tube gauging devices shall be secured and gauge housings screwed in place. Protective housing covers must be secured and pinned and proper seals put in place when required. Leaks from any source on a tank car shall be stopped before a car may be released to the carrier.
- a) ~~Electrical equipment and wiring for use in anhydrous ammonia installations shall be either general purpose or weather resistant as appropriate.~~
- b) ~~Where concentrations of ammonia in air in excess of 16% by volume are likely to be encountered, electrical equipment and wiring shall be of a type specified by and installed in accordance with National Electrical Code (National Fire Prevention Association 70, ANSI C1) for Class 1, Group D locations.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.110 Systems Mounted on Farm Wagons (Nurse Tanks) Equipment (Implements of Husbandry) for the Transportation Application of Anhydrous Ammonia

- a) This Section applies to containers of 3,000 gallons water capacity or less and related equipment mounted on farm wagons (implements of husbandry) that are used for the transportation of ammonia. Section 215.25 applies to this Section unless otherwise noted.
- b) Containers shall be constructed in accordance with Section 215.25. The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch. All containers over 500 gallons capacity should be equipped with semi-rigid baffle plates.
- c) A suitable “stop” or “stops” shall be mounted on the farm wagon or on the container in such a way that the container shall not be dislodged from its mounting due to the farm wagon coming to a sudden stop. Back slippage shall also be prevented by proper methods.
- d) A suitable “hold-down” device shall be provided that will anchor the container to the farm wagon at one or more places on each side of the container.

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- e) When dual containers are mounted on four-wheel farm wagons the weight shall be distributed evenly over both axles. Dual containers mounted on the same running gear must be of the same capacity.
- f) When the cradle and the container are not welded together, suitable material shall be used between them to reduce abrasion.
- g) All containers shall be equipped with a fixed maximum liquid level gauge.
- h) All containers shall be equipped with a pressure gauge having a dial graduated from 0 psi to 400 psi.
- i) The filling connection of each container shall comply with the requirements of Section 215.40(k).
- j) All containers shall be equipped with an approved vapor-equalizing valve unless equipped for spray loading.
- k) All vapor and liquid connections, except pressure relief valves and those specifically exempt in Section 215.40(e) and (f) shall be equipped with approved excess flow valves or may be fitted with quick-closing internal valves that shall remain closed except during operating periods.
- l) Fittings shall be protected from physical damage by means of a rigid guard designed to withstand static loading in any direction equal to twice the weight of the container and lading using a safety factor of 4 based upon the ultimate strength of the material used. If the guard encloses the pressure relief valve, the valve shall be properly vented through the guard.
- m) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the farm wagon axle. The hose shall be drained and depressurized prior to the container being moved or towed on a public road.
- n) Provision shall be made to secure both ends of the hose in transit.
- o) All containers shall be painted white or a light reflecting color.
- p) Marking of container –
 - 1) Placard: Four diamond type, nonflammable gas, UN 1005, Department of Transportation placards shall be displayed (one on each side and one on each end).
 - 2) Marking: The words ANHYDROUS AMMONIA shall appear on each side and each end in letters no less than two inches high.
 - 3) Each container shall be marked with the words INHALATION HAZARD in two inch letters on two opposing sides.
 - 4) The words LIQUID or VAPOR shall be placed on or within 12 inches of the appropriate valve by means of stencil, tag, decal, or color coding with a legible legend ORANGE LIQUID and YELLOW VAPOR on the tank.

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- 5) The container need not be marked or placarded on one end if that end contains valves, fittings, regulators, or gauges when those appurtenances prevent the markings and placard from being properly placed and visible.
- q) Farm wagons operating on public roads shall be provided with a slow-moving vehicle (SMV) emblem consisting of a fluorescent orange triangle with a red reflective border. On and after September 1, 2004, the specifications of the SMV shall be the type recommended by the American Society of Agricultural Engineers specification ASAE S 276.5 NOV 97.
- r) All farm wagons shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable hitch pins with clips and safety chains permanently attached to the farm wagon.
- s) A farm wagon shall be constructed so that it will follow substantially in the path of the towing vehicle and will prevent the towed farm wagon from whipping or swerving dangerously from side to side. Farm wagons require safety chains with a combined breaking strength of at least the weight of the laden nurse tank.
- t) A farm wagon shall not be towed or parked in public places such as school yards, malls, or hospital grounds.
- u) Each person operating, repairing appurtenances, or inspecting a nurse tank must comply with the following requirements:
- 1) Any person required to handle, transfer, transport, or otherwise work with ammonia shall be trained to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency; and
- 2) Any person making, breaking, or testing any ammonia connection, transferring ammonia, or performing maintenance or repair on an ammonia system under pressure shall wear protective gloves impervious to ammonia and chemical splash goggles. A full face shield may be worn over the goggles; however, a face shield shall not be worn as a substitute for a primary eye protection device (goggles).
- v) For first aid purposes each nurse tank shall be equipped with at least 5 gallons of clean water in a container mounted on top or side of the tank designed to provide ready access to the water for flushing any area of the body contacted by ammonia.
- w) Prior to the addition of a chemical additive, its compatibility with system components shall be verified by the manufacturer of the additive.
- x) Storage of Containers: When a nurse tank containing 10% or more of anhydrous ammonia is at an unattended approved storage site, the manually controlled valves shall be plugged or capped or locked or the nurse tank shall be stored inside a locked, fenced enclosure. Nurse tanks shall be stored no less than 50 feet from the edge of the adjacent road, 200 feet from place of private or public assembly

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and 750 feet from place of institutional occupancy. All pressure and liquid gauges must be in working order.

- a) ~~This section applies to systems mounted on farm equipment and used for the field application of anhydrous ammonia. 8 Ill. Adm. Code Sections 215.25 through 215.95 apply to this section unless otherwise noted.~~
- b) ~~Design, working pressure and classification of containers:~~
- 1) ~~Containers shall be constructed in accordance with 8 Ill. Adm. Code Section 215.25 with a minimum design pressure of 250 psig.~~
 - 2) ~~The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch.~~
- e) ~~Mounting of containers:~~
- 1) ~~All containers and flow control devices shall be securely mounted.~~
 - 2) ~~Applicators must be marked the same way as systems mounted on farm wagons transporting anhydrous ammonia (see 8 Ill. Adm. Code Section 215.105(e)).~~
- d) ~~Containers, valves and accessories:~~
- 1) ~~Each container shall have a fixed liquid level gauge.~~
 - 2) ~~The filling connection shall be fitted with a positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.~~
 - 3) ~~To assist in filling applicator tanks, it will be permissible to bleed the tank to open air provided the controlling orifice of the bleeder valve is not in excess of $\frac{5}{16}$ inch in diameter. In this instance, an excess flow valve is not required.~~
 - 4) ~~Metering devices may be connected directly to the tank withdrawal valve. A union type connection is permissible between the tank valve and metering device. Remote mounting of metering devices is permissible if the hose which meets the specifications set out in 8 Ill. Adm. Code Section 215. Table B is used. When the applicator tank is trailed and the metering device is remotely mounted, such as on the tractor tool bar, an automatic break-a-way, self-closing coupling shall be used.~~
 - 5) ~~Valves and accessories shall be protected by means of well braced, rigid guards, and secured to the container on both sides of the fittings. The guards shall be designed to withstand a force in any direction of two times the weight of the loaded container.~~
 - 6) ~~Applicators shall be filled at least 100 yards from any off approved site occupied building.~~
- e) ~~Safety equipment: Safety features shall be provided in accordance with the Illinois Vehicle Code (Ill. Rev. Stat. 1979, Ch. 95½).~~

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.115 Systems Mounted on Equipment for the Application of Anhydrous Ammonia Refrigerated Storage

- a) This Section applies to systems mounted on farm equipment and used for the field application of ammonia. Section 215.25 applies to this Section unless otherwise noted.
- b) The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch.
- c) All containers shall be securely mounted. Applicators must be secured with hold-down devices the same way as systems mounted on farm wagons transporting anhydrous ammonia.
- d) Fixed maximum liquid level gauges shall be used that are designed to indicate when the container has been filled to 85% of its water capacity. The dip tube of this gauge shall be installed in such a manner that it cannot be readily removed.
- e) The filling connection of each container shall comply with the requirements of Section 215.40(k).
- f) An excess-flow valve is not required in the vapor connection, provided the controlling orifice is not in excess of $\frac{5}{16}$ inch in diameter and the valve is a hand-operated (attached hand wheel or equivalent) shutoff valve. To assist in filling applicator tanks, it is permissible to bleed vapors to the open air, provided the preceding requirements are met.
- g) Applicators shall be filled at least 100 yards from any occupied building not on an approved site.
- h) Metering devices may be connected directly to the tank withdrawal valve. A union-type connection is permissible between the tank valve and the metering device. Remote mounting of metering devices is permissible using hoses that meet specifications.
- i) When the applicator or nurse tank is trailed and the metering device is remotely mounted, such as on the tractor tool bar, an automatic break-away, self-closing coupling device shall be used. The coupling device shall be made from or coated with a corrosion resistant material. The coupling device shall be mounted in a manner that will permit the device to swivel freely. A coupling device shall be maintained. An angle valve shall not be used as a hose end valve connecting to the coupling device.
- j) No excess-flow valve is required in the liquid withdrawal line provided the controlling orifice between the contents of the container and the outlet of the shutoff valve (see Section 215.40(c)) does not exceed $\frac{5}{16}$ in diameter.
- k) Any control valve installed between the regulator and the break-away coupling device shall indicate whether the valve is open or closed.

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- l) Where a ball valve is used to control flow to the metering device, the ball shall be drilled with an opening smaller than No. 54 (0.055 inches) drill size on the downstream side to prevent trapping ammonia in the ball when in the closed position.
- m) Each person operating, repairing appurtenances, or inspecting an applicator tank shall comply with the following requirements:
- 1) Any person required to handle, transfer, transport, or otherwise work with ammonia shall be trained to understand the properties of ammonia, to become competent in safe operating practices, and to take appropriate actions in the event of a leak or an emergency; and
 - 2) Any person making, breaking, or testing any ammonia connection, transferring ammonia, or performing maintenance or repair on an ammonia system under pressure shall wear protective gloves impervious to ammonia and chemical splash goggles. A full face shield may be worn over the goggles; however, a face shield shall not be worn as a substitute for a primary eye protection device (goggles).
- n) Each applicator tank shall be equipped with the following safety equipment and features: for first aid purposes, at least 5 gallons of clean water in a container designed to provide ready access to the water for flushing any area of the body contacted by ammonia and a legible decal depicting step-by-step ammonia transfer instructions.
- o) Instructions for connecting and disconnecting the coupling device shall be displayed in a manner as to be readily visible near the break-away coupling device.
- a) Design of tanks:
- 1) ~~Tanks may be designed for any storage pressure desired as determined by economical design of the refrigerated system.~~
 - 2) ~~Tanks with a design pressure exceeding 15 psig shall be constructed in accordance with 8 Ill. Adm. Code Section 215.25 and in addition the materials shall comply with Section 215.25.~~
 - 3) ~~Tanks with a design pressure of 15 psig and less shall be constructed in accordance with the general requirements of American Petroleum Institute Standard 620 or API Standard 12-C with the following modifications:~~
 - A) ~~The liquid specific gravity used for design shall be at least as high as the maximum specific gravity at minimum storage temperature of the ammonia being stored.~~
 - B) ~~The joint efficiency shall not exceed 0.85 unless inspection requirements exceed those of API Standard 12-C. A joint efficiency of 1.00 may be used provided all shell weld junctions are radiographed in addition to the spot radiographic requirements~~

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- ~~of API Standard 12-C. Full penetration double butt weld shall be used for girth joints.~~
- C) ~~The design of shells other than vertical cylindrical tanks for all pressure up to 15 psig inclusive shall use design stresses no higher than the stress values given for pressures from 0.5 to 5 psig inclusive in the first edition of API Standard 620.~~
- 4) ~~Refrigerated storage tanks shall be hydrostatically tested to the highest level possible without the shell membrane stress during the test exceeding 30% of the specified minimum yield strength of the shell material. When this limitation precludes completely filling the tank, the remaining welded joints shall be tested using penetrant test methods specified in API Standard 12-C.~~
- 5) ~~Ferritic steels for tank shells and bottoms shall be selected for the design temperature. This application may be based on impact test requirements or equivalent criteria (see API's Table B).~~
- 6) ~~When austenitic steels or non ferrous materials are used the ASME Code shall be used as a guide for temperature requirements.~~
- 7) ~~Materials for nozzles, attached flanges, structural members which are in tension, and other such critical elements shall be selected for the design temperature. This selection may be based on impact test requirements or equivalent criteria (see API's Table B).~~
- b) ~~Installation of storage tank:~~
- 1) ~~Tanks shall be supported on a non-combustible foundation designed to accommodate the type of tank being used.~~
- 2) ~~Secure anchorage or adequate pier height shall be provided against tank flotation wherever high flood water might occur.~~
- e) ~~Tank valves and accessories, fill pipes and discharge pipes:~~
- 1) ~~Shutoff valves shall be:~~
- A) ~~provided for all connections, except those with a No. 54 drill size restriction, plugs, safety valves, thermometer wells, and~~
- B) ~~located as close to the tank as practicable.~~
- 2) ~~When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shutoff valve on other connections located below the maximum liquid level.~~
- d) ~~Safety devices:~~
- 1) ~~Safety relief valves shall be set to start to discharge at a pressure not in excess of the design pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in a container of more than 120% of the design pressure.~~
- 2) ~~The size of relief valves shall be determined by the largest volume~~

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requirement of the following:

- A) ~~Possible refrigeration system upset, such as:~~
 - i) ~~Cooling water failure,~~
 - ii) ~~Power failure,~~
 - iii) ~~Instrument air or instrument failure,~~
 - iv) ~~Mechanical failure of any equipment, or~~
 - v) ~~Excessive pumping rates.~~
 - B) ~~the American National Standards Institute's Fire Safety Provisions (Section 4.5.2.2).~~
- 3) ~~All safety devices shall comply with the following:~~
- A) ~~The discharge from safety relief valve shall be vented away from the tank at any desired angle above the horizon using a vent stack designed for weather protection. The size of discharge lines from safety relief valves shall not be smaller than the nominal size of the relief valve outlet connections. Provisions shall be made for draining condensation which may accumulate.~~
 - B) ~~Discharge lines from two or more safety relief devices located on the same unit may be run into a common discharge header, provided the cross-sectional area of such header is at least equal to the sum of the cross-sectional area of the individual discharge lines and that the settings of the safety relief valves are the same.~~
- e) ~~Protection of tank accessories and grounding: Refrigerated storage tanks shall comply with the provisions of 8 Ill. Adm. Code Section 215.100(i).~~
- f) ~~Reinstallation of tanks: Tanks of such size as to require field fabrication shall, when moved and reinstalled, be reconstructed and reinspected in complete accordance with The Code under which they were constructed. The tanks shall be subjected to a pressure retest, and if re-rating is necessary, it shall be done in accordance with the applicable code procedures.~~
- g) ~~Damage from vehicles: Precaution shall be taken to avoid any damage by trucks, tractors or other vehicles.~~
- h) ~~Refrigerated load and equipment:~~
- 1) ~~The total refrigeration load shall be computed as the sum of the following:~~
 - A) ~~Load imposed by heat flow into the tank caused by the temperature differential between design ambient temperature and storage temperature.~~
 - B) ~~Load imposed by heat flow into the tank caused by maximum sun radiation.~~
 - C) ~~Maximum load imposed by filling the tank with anhydrous ammonia warmer than the design storage temperature.~~
 - 2) ~~More than one storage tank may be handled by the same refrigeration~~

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- system.
- 3) Compressors:
- A) ~~A minimum of two compressors shall be provided either of which is of sufficient size to handle the loads listed in 8 Ill. Adm. Code Section 215.115(i)(A) and (B). Where more than two compressors are provided, minimum standby equipment equal to the largest normally operating equipment shall be installed.~~
 - B) ~~Compressors shall be sized to operate with a suction pressure at least 10% below the minimum setting of the safety valve(s) on the storage tank and shall withstand a suction pressure at least equal to 120% of the design pressure of the tank. Discharge pressure will be governed by condensing conditions.~~
- 4) Compressor drives:
- A) ~~Each compressor shall have its individual driving unit.~~
 - B) ~~Any standard drive consistent with good design may be used.~~
 - C) ~~An emergency source of power of sufficient capacity to handle the loads in 8 Ill. Adm. Code Section 215.115(i)(A) and (B) shall be provided, unless facilities are provided to safely dispose of vented vapors while the refrigeration system is not operating.~~
- 5) Automatic control equipment:
- A) ~~The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by pressure in the tank or tanks.~~
 - B) ~~Any emergency alarm system shall be installed to function in the event the pressure in the tank or tanks rises to the maximum allowable operating pressure.~~
 - C) ~~An emergency alarm and shutoff shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.~~
 - D) ~~All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.~~
- 6) Separators:
- A) ~~An entrainment separator of a size capable of holding any liquid material entering the line during the transfer operation shall be installed in the compressor suction line. The separator shall be equipped with a drain and gauging device.~~
 - B) ~~An oil separator of a size capable of holding any liquid material entering the line during the transfer operation shall be installed in the compressor discharge line. It shall be designed for at least 250~~

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- ~~psig and shall be equipped with a gauging device and drain valve.~~
- 7) ~~Condensers: The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 psig. Provision shall be made for purging non-condensibles either manually or automatically.~~
- 8) ~~Receiver and liquid drain: A receiver shall be provided which is equipped with an automatic float valve to discharge the liquid anhydrous ammonia to storage or with a high pressure liquid drain trap of a capacity capable of holding any liquid material entering the line. The receiver shall be designed for at least 250 psig operating pressure and be equipped with the necessary connections, safety valves, and gauging device.~~
- 9) ~~Insulation:~~
- A) ~~Where insulation is required, insulation thickness shall be determined by good design.~~
- B) ~~Insulation of refrigerated tanks and pipelines shall be waterproofed. The insulating material shall be fire retardant. The weatherproofing shall be fire resistant.~~
- 10) ~~Piping: All piping shall be well supported and provision shall be made for expansion and contraction. All refrigeration system piping shall conform to Section 5 of the American Standards Association's "Code for Pressure Piping" (B 31.1) as it applies to anhydrous ammonia.~~
- 11) ~~Safety equipment: All refrigerated storage plants shall have on hand the minimum safety equipment required under 8 Ill. Adm. Code Section 215.60(b).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 215.120 Administrative Hearings

Decisions of the Department in implementing this Part are subject to the Illinois Administrative Procedure Act [5 ILCS 100] and the Department's rules pertaining to administrative hearings (8 Ill. Adm. Code 1).

~~Decisions of the Department in implementing these rules are subject to the Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) and the Department's rules pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code Part 1).~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
25.11	Amendment
25.35	Amendment
25.315	Amendment
25.720	Amendment
25.725	Amendment
25.900	New Section
25.905	New Section
25.910	New Section
25.915	New Section
25.920	New Section
25.925	New Section
25.930	New Section
25.935	New Section
25.940	New Section
25.945	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) A Complete Description of the Subjects and Issues Involved: The amendments contained in this set of rules will implement two major aspects of P.A. 92-796 (HB 1436).

New requirements for the renewal of administrative certificates are being presented in Section 25.315 as a result of this legislation, to be effective beginning July 1, 2003. Individuals serving in positions that require administrative certification must prepare plans and submit them to reviewers or review panels, respectively, that are identified in the statute. Each administrator's plan must include annual completion of a program offered by the Administrators' Academy and one other professional activity per year of the certificate's validity. Much of the detail provided in Section 25.315 describes processes associated with review of the plans; review of administrators' evidence of completion for the required activities; and review of applications for certificate renewal. The legislation also provides for congruence among the periods of validity of each individual's administrative certificate and teaching certificate(s). Therefore, in 2003 some individuals will receive administrative certificates that have fewer than five years of validity, and the requirements for continuing professional development will be reduced accordingly during that first renewal cycle. The rules also describe several other circumstances in which proportionate reduction will apply.

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Requirements for the standard certificate are presented in a series of new Sections in Subpart K of the rules. P.A. 92-796 provides that candidates for the standard certificate must choose among six specified alternatives and fulfill the requirements associated with the option chosen. The proposed rules identify these options and describe the requirements for each one. In some instances, approval of the State Board is required for the provider, the course, or the activity. The rules state the standards for the granting of that approval, based on the related requirements established by the statute.

The proposed revisions to Sections 25.720 and 25.725 are technical in nature and are needed for further clarification of the applicability of the testing requirement for certified individuals seeking additional certificates.

- 6) Will these proposed amendments replace emergency amendments 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? Yes

<u>Sections</u>	<u>Actions</u>	<u>Illinois Register Citation</u>
25.15	Amendment	26 Ill. Reg. 15368; 11/1/02
25.444	New Section	26 Ill. Reg. 15368; 11/102
25.728	Amendment	26 Ill. Reg. 15368; 11/1/02
25.800	Amendment	26 Ill. Reg. 15368; 11/1/02
25.805	Amendment	26 Ill. Reg. 15368; 11/1/02
25.832	Amendment	26 Ill. Reg. 15368; 11/1/02
25.835	Amendment	26 Ill. Reg. 15368; 11/1/02
25.845	Amendment	26 Ill. Reg. 15368; 11/1/02
25.855	Amendment	26 Ill. Reg. 15368; 11/1/02
25.860	Amendment	26 Ill. Reg. 15368; 11/1/02
25.865	Amendment	26 Ill. Reg. 15368; 11/1/02
25.870	Amendment	26 Ill. Reg. 15368; 11/1/02
25.872	New Section	26 Ill. Reg. 15368; 11/1/02
25.875	Amendment	26 Ill. Reg. 15368; 11/1/02

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

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

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for Initial Elementary Certificate

25.30 Requirements for Initial Secondary Certificate

25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

25.40 Requirements for Initial Special K-12 Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate – Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
(Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for Initial Early Childhood Certificate

25.85 Special Provisions for Endorsement in Foreign Language for Individuals
Currently Certified

25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared
as Teachers But Not Currently Certified

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL

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EDUCATORS IN THE STATE OF ILLINOIS

Section	
25.110	System of Approval: Levels of Approval (Repealed)
25.115	Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120	Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125	Fifth-Year Review of the Educational Unit
25.127	Fifth-Year Review of Individual Programs
25.130	Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
25.135	Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
25.136	Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
25.137	Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140	Transitional Requirements for Unit Assessment Systems
25.145	Approval of New Programs Within Recognized Institutions
25.147	Approval of Programs for Foreign Language Beginning July 1, 2003
25.150	The Periodic Review Process (Repealed)
25.155	Initial Recognition Procedures
25.160	Notification of Recommendations; Decisions by State Board of Education
25.165	Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section	
25.210	Requirements for the Certification of School Social Workers
25.220	Requirements for the Certification of Guidance Personnel
25.230	Requirements for the Certification of School Psychologists
25.240	Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	
25.310	Definitions (Repealed)
25.311	Administrative Certificate
25.313	Alternative Route to Administrative Certification

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25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement
25.344	Chief School Business Official Endorsement
25.355	Superintendent Endorsement

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE
25.442	Illinois Teacher Corps Programs
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

Section

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- 25.510 Teacher Aides
- 25.520 Other Noncertificated Personnel
- 25.530 Specialized Instruction by Noncertificated Personnel
- 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

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

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

- Section
- 25.705 Purpose – Severability
- 25.710 Definitions
- 25.715 Test Validation
- 25.717 Test Equivalence
- 25.720 Applicability of Testing Requirement
- 25.725 Applicability of Scores
- 25.728 Use of Test Results by Institutions of Higher Education
- 25.730 Registration
- 25.732 Late Registration
- 25.733 Emergency Registration
- 25.735 Frequency and Location of Examination
- 25.740 Accommodation of Persons with Special Needs
- 25.745 Special Test Dates
- 25.750 Conditions of Testing
- 25.755 Voiding of Scores
- 25.760 Passing Score
- 25.765 Individual Test Score Reports
- 25.770 Re-scoring
- 25.775 Institution Test Score Reports
- 25.780 Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

- Section
- 25.800 Professional Development Required
- 25.805 Requirements of the Plan

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25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.875	Continuing Professional Development Units (CPDUs)
25.880	"Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

<u>25.900</u>	<u>Applicability of Requirements in this Subpart</u>
<u>25.905</u>	<u>Choices Available to Holders of Initial Certificates</u>
<u>25.910</u>	<u>Requirements for Induction and Mentoring</u>
<u>25.915</u>	<u>Requirements for Coursework on the Assessment of One's Own Performance</u>
<u>25.920</u>	<u>Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)</u>
<u>25.925</u>	<u>Requirements Related to Advanced Degrees</u>
<u>25.930</u>	<u>Requirements for Continuing Professional Development Units (CPDUs)</u>
<u>25.935</u>	<u>Additional Activities for Which CPDUs May Be Earned</u>
<u>25.940</u>	<u>Examination</u>
<u>25.945</u>	<u>Procedural Requirements</u>

APPENDIX A	Statistical Test Equating – Certification Testing System
APPENDIX B	Certificates Available Effective February 15, 2000
APPENDIX C	Exchange of Certificates
APPENDIX D	National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

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SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendment at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendment at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

- a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.
 - 1) Certificates subject to exchange are listed in Appendix C to this Part.
 - 2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000,

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shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000, shall continue to be acceptable for those assignments.

- b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the "applicable examinations" for a standard certificate shall ~~be those include not only the relevant standard certification examination but also the examination~~ required for the comparable initial certificate. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].
- 1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States, unless a candidate elects to receive an initial certificate to afford himself or herself time to complete the requirements of Subpart K of this Part.
 - 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate and may either count his or her teaching time outside Illinois or elect to wait until he or she has accumulated four years' teaching on the Illinois initial certificate, including the time credited outside Illinois.
 - 3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.
- c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part~~the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part.~~
- d) An individual who has completed four years of teaching ~~on after receiving an initial certificate (or on another certificate that was issued in conjunction with an initial certificate)~~ may qualify for a comparable standard certificate as set forth in Subpart K of this Part~~by passing the relevant standard teaching certificate examination required by Section 21-2 of the School Code. Beginning July 1,~~

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~~2003, this examination shall be designed to demonstrate whether candidates' induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students.~~

- 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
 - 2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examinations ~~examination~~ required at that time and meeting all other requirements then in force for that certificate.
 - 3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part ~~fails the standard teaching certificate examination may retake the examination but~~ may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate.
 - 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
- e) A holder of a standard Illinois teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for ~~both~~ the comparable initial certificate ~~and the standard teaching certificate~~ and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45 and/or 25.80 of this Part, as applicable).
 - f) "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., eight semesters of scheduled full-time teaching ~~four times 180 days of instruction consisting of no fewer than five clock hours apiece~~, which may, however, be accumulated in any combination of increments ~~of less than full time. That is, it need not be accumulated through full-time teaching.~~
 - g) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
 - h) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

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- i) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

Until ~~applicable standard teaching examinations are in place or~~ October July-1, 2003, ~~whichever occurs first~~, the provisions of this Section shall apply when an individual who already holds one or more Illinois standard teaching certificates applies to receive an elementary or high school certificate through transcript evaluation.

- a) The applicant shall submit to the State Teacher Certification Board, through the office of a regional superintendent of schools:
 - 1) a completed application form;
 - 2) an official transcript of any college credits not already on file with the Certification Board;
 - 3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and
 - 4) the application fee required by Section 21-12 of the School Code.
- b) An applicant shall qualify for the certificate in question if he or she demonstrates that he or she has met the professional education requirements that, prior to May 1 2000, were enumerated in Section 25.20(b) or Section 25.30(b) of this Part, as applicable.
- c) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:
 - 1) compare the applicant's deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part); and
 - 2) advise the applicant as to the coursework needed to remedy the deficiency.
- d) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the tests of basic skills and subject matter knowledge on or before September June-30, 2003.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY STAFF POSITIONS

Section 25.315 Renewal of Administrative Certificate

a) The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code [105 ILCS 5/21-7.1](Ill. Rev. Stat. 1990 Supp., ch. 122, par. 21-7.1).

a) Professional Development Required

Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions requiring administrative certification is contingent upon certificate-holders' presentation of evidence of continuing professional education. For the purposes of this Section, the terms "continuing professional education" and "continuing professional development" shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder's:

- 1) preparation of an individual plan for continuing professional development that conforms to the requirements of subsection (b) of this Section and submission of the plan for review as set forth in subsection (f) of this Section (unless the individual is exempted from the requirement for a plan as provided in subsection (c-15) of Section 21-7.1 of the School Code);
- 2) completion of the activities enumerated in the plan (or completion of a reduced quantity of activities as applicable to the validity or remaining validity of the certificate, if subsection (c-15) of Section 21-7.1 of the School Code applies); and
- 3) presentation of evidence of completion of the activities enumerated in the plan or completed pursuant to subsection (c-15) of Section 21-7.1 of the School Code, in accordance with subsection (h) of this Section.

b) Requirements of the Plan

- 1) Each plan shall include at least three goals developed by the individual administrator related to continuing professional development.
- 2) Each plan shall include at least five professional development activities that will be completed during the period of the certificate's validity (see subsection (c) of this Section), for a total of not fewer than 100 continuing professional development hours, unless otherwise provided in subsection (k) of this Section. Each plan shall describe how each of these activities will address one or more of the administrator's goals, how it will

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contribute to the achievement of one or more of the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100), and how it will address one or more of the following purposes:

- A) *Improving the administrator's knowledge of instructional practices and administrative procedures;*
 - B) *Maintaining the basic level of competence required for initial certification; and*
 - C) *Improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance. (Section 21-7.1 of the School Code)*
- 3) In addition to the activities required under subsection (b)(2) of this Section, each administrator's plan shall provide for annual completion of a course conducted by the Illinois Administrators' Academy established pursuant to Section 2-3.53 of the School Code [105 ILCS 5/2-3.53] (see subsection (d) of this Section), resulting in the accumulation of no fewer than 36 continuing professional development hours during the period of the certificate's validity, unless otherwise provided in subsection (k) of this Section.
- 4) Each plan shall identify at least one activity from among those completed pursuant to this Section that will address a need identified in the certificate-holder's school improvement plan at either the district or the school level or, for a regional administrator, the applicable regional improvement plan.
- c) Activities selected to fulfill the requirements of subsection (b)(2) of this Section shall be subject to the provisions of this subsection (c).
- 1) Activities chosen for this purpose may include but need not be limited to:
 - A) Completion of college/university courses;
 - B) Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;
 - C) Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events; and
 - D) Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, research, and other, similar projects.
 - 2) For each activity completed, the certificate-holder must either:
 - A) Apply what he or she has learned in his or her practice and create a written record of its application for eventual submission to the responsible reviewer; or

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- B) Disseminate an analysis of what was learned to some other group of educators, including its results, benefits, and/or implications for the needs of one or more districts, schools, or individual administrators.
- 3) Continuing professional development hours for the activities required by subsection (b)(2) of this Section shall be credited as follows.
 - A) Fifteen hours shall be credited for each semester hour of college credit earned.
 - B) One hour shall be credited for each hour of the administrator's direct participation in a relevant activity other than college coursework, as verified by a log the administrator shall maintain and present to the responsible reviewer, describing what was done with respect to each activity, with dates and amounts of time spent in each case.
- d) The Administrators' Academy courses that may be used to fulfill the requirements of subsection (b)(3) of this Section shall be grouped according to the areas of knowledge and skill they address. In fulfilling those requirements, an administrator shall not select a second course in the same knowledge and skill area in fulfillment of this requirement until he or she has completed one course in each of the areas.
 - 1) The provisions of this subsection (d) notwithstanding, an administrator may use courses offered by the Administrators' Academy to fulfill the requirements of subsection (b)(2) of this Section at any time.
 - 2) The provisions of this subsection (d) notwithstanding, each administrator shall be subject to the requirements of Section 24A-3 of the School Code [105 ILCS 5/24A-3] to the extent applicable.
 - 3) Each administrator who completes an Administrators' Academy course shall receive written, dated verification that indicates the title of the course, the knowledge and skill area to which it belongs, and the number of hours to be credited toward the applicable requirement.
 - 4) If the State Board of Education changes the knowledge and skill areas, the agency shall so notify each regional superintendent of schools, each school district superintendent, and each director of a special education program, cooperative program, or State-operated school within 60 days. This notice shall include the new list of areas and state the date upon which the list takes effect. An individual shall be permitted to use an Administrators' Academy activity identified in his or her plan to fulfill the requirement of subsection (b)(3) of this Section during the cycle to which the plan applies, regardless of any change in the knowledge and skill areas.
- e) Reviewers, Designees, and Panels

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Section 21-7.1(c-10)(3) of the School Code identifies the individual reviewers or review panels that will be responsible for considering the plans of administrators who are subject to the requirements of this Section except that, for assistant regional superintendents, the respective regional superintendents shall serve as the responsible reviewers. For purposes of this Section, the term “responsible reviewer” includes both individuals and review panels.

- 1) Each regional superintendent of schools shall establish one or more panels that will be responsible for reviewing the plans of the region’s district superintendents and directors of special education programs, cooperative programs, and State-operated schools.
 - A) Each panel shall consist of at least three members and an alternate. No individual shall serve on a panel that reviews his or her plan.
 - B) Each member of a panel shall be employed as a district superintendent or director of a special education program, cooperative program, or State-operated school in the region for which the regional superintendent is responsible.
 - C) Each panel shall choose one member to serve as facilitator. This individual shall be responsible for providing a signature on behalf of the panel when called for pursuant to this Section.
 - D) Panels may conduct their reviews of administrators’ plans electronically, provided that at least three members of a panel participate in the determination as to whether each individual’s plan conforms to the applicable requirements of this Section.
- 2) The State Superintendent of Education shall establish one or more panels to review the plans of regional superintendents. Each panel shall be made up of three members and an alternate, each of whom shall be a regional superintendent. No regional superintendent shall serve on a panel that reviews his or her plan. The provisions of subsections (e)(1)(C) and (D) of this Section shall apply to the operation of panels under this subsection (e)(2) as well.
- 3) A responsible reviewer, other than a review panel, may identify one or more designees to assist him or her with this function, provided that each designee shall be an individual who serves in a position requiring administrative certification and is employed by the same entity as the responsible reviewer.

f) Submission and Review of the Plan

Each certificate-holder shall submit his or her plan, in a format specified by the State Board of Education, to the responsible reviewer.

- 1) An administrator may submit his or her plan during the semester preceding the beginning of the certificate’s period of validity and shall submit the plan no later than 120 days after the beginning of the

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- certificate's period of validity or after the date on which the individual assumes employment requiring administrative certification, whichever occurs later. An administrator shall not accrue credit for activities that are completed outside the certificate's period of validity or begin before submission of the plan to the responsible reviewer.
- 2) The responsible reviewer shall respond within 30 days after receiving an individual's plan as to whether that plan conforms to the requirements of subsection (b) of this Section.
- 3) Within 30 days after receiving a notice that his or her plan does not conform to the requirements of subsection (b) of this Section, the affected administrator shall either:
- A) revise the plan to provide for compliance with subsection (b) of this Section and resubmit it; or
- B) submit an appeal to the regional superintendent of schools or the State Superintendent of Education, as applicable under subsection (c-10)(4) of Section 21-7.1 of the School Code.
- 4) The regional superintendent or State Superintendent shall respond to the certificate-holder within 30 days after receipt of an appeal.
- A) If the regional superintendent or State Superintendent disagrees with the original determination, the individual's plan shall stand as originally submitted.
- B) If the regional superintendent or State Superintendent agrees with the original determination, the certificate-holder shall submit a revised plan to the original reviewer or review panel.
- C) The regional superintendent or State Superintendent shall notify both the certificate-holder and the original reviewer or review panel of his or her determination, using a format made available by the State Board of Education, and shall facilitate any necessary revisions to a plan so that it will be acceptable.
- 5) Administrators' plans shall be kept on file by the responsible reviewers and maintained in accordance with the requirements of the Local Records Act [50 ILCS 205].
- g) Review or Revision of the Plan
- 1) A certificate-holder may submit proposed revisions to a plan to the responsible reviewer at any time.
- 2) A certificate-holder shall submit his or her plan to the reviewer if he or she changes assignments. After reviewing the continued appropriateness of the plan, the reviewer shall indicate any changes that are needed. A change in assignment occurs whenever:

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- A) a certificate-holder accepts employment in a different district, special education or cooperative program, or State-operated school;
 - B) a certificate-holder is assigned to perform his or her duties at a different attendance center;
 - C) a certificate-holder is assigned to perform duties under a different job title; or
 - D) a certificate-holder assumes or resumes employment requiring the administrative certificate.
- 3) The provisions of subsection (e) of this Section shall apply when review of a plan is sought after a change in assignment and when revisions to an existing plan are proposed.
- h) Evidence of Completion
- 1) When a certificate-holder has completed any of the activities set forth in his or her plan, he or she may transmit to the appropriate reviewer a copy of the standard format supplied by the State Board of Education for this purpose.
 - A) The standard format shall require the certificate-holder to describe how he or she met the requirement of subsection (c-10)(2)(A)(v) of Section 21-7.1 of the School Code for communication, dissemination, or application of the knowledge or skills acquired.
 - B) For at least one activity completed under either subsection (b)(2) or subsection (b)(3) of this Section, each certificate-holder shall include in his or her evidence of completion an analysis of what was presented or learned in terms of its implications for serving students with disabilities in the least restrictive environment as required by the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14].
 - 2) The responsible reviewer shall respond to each submission of evidence of completion within 30 days after receiving it.
 - A) If the reviewer determines that the activity meets an applicable requirement of this Section, the reviewer shall sign the evidence to confirm that the activity has been credited and return it to the certificate-holder. The reviewer shall also maintain a summary in a format provided by the State Board of Education that verifies the certificate-holder's progress toward fulfillment of the requirements of this Section.

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- Education and notify the certificate-holder in writing of that recommendation.
- 4) If the reviewer declines to sign the verification format but the certificate-holder believes that he or she is nevertheless eligible for renewal of the certificate, he or she may request the regional superintendent's reconsideration of his or her eligibility for certificate renewal by submitting, along with the renewal application and the required fee, a letter outlining the basis for his or her assertion of eligibility and evidence supporting it. A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than May 31 may not be able to preserve his or her right of appeal under subsection (j) of this Section.
- 5) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (h)(2) of this Section to the State Superintendent of Education along with his or her application for certificate renewal and payment of the applicable fee.
- 6) Within 30 days after receiving an application, the State Superintendent of Education shall notify any certificate-holder whose certificate will not be renewed, including the rationale for nonrenewal.
- 7) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable administrative certificate only if he or she has:
- A) completed the balance of the professional development activities that were required for renewal of the certificate previously held;
and
- B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's administrative duties.
- j) Appeal to State Teacher Certification Board
Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.
- 1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested.
- A) Appeals shall be addressed to:

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State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
- C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.
- 2) In addition to the appeal letter, the certificate-holder may submit the following material when the appeal is filed:
 - A) evidence that he or she has satisfactorily completed activities set forth in his or her approved certificate renewal plan; and
 - B) any other relevant documents.
- 3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:
 - A) the original reviewer's rationale for refusing to sign the verification form or otherwise recommending nonrenewal of the certificate;
 - B) any evidence submitted to the State Superintendent along with the individual's application for renewal; and
 - C) the State Superintendent's rationale for non-renewal of the certificate.
- 4) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days' notice of the date, time, and place of the hearing shall be given to the affected individual.
- 5) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
- 6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision.
- 7) The decision of the State Teacher Certification Board is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- k) Proportionate Reduction; Part-Time Service

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The requirements of this Section regarding continuing professional development are subject to reduction in accordance with subsection (c-15) of Section 21-7.1 of the School Code.

- 1) The requirements of this Section shall be subject to reduction on the same basis as provided in subsection (c-15) of Section 21-7.1 of the School Code in relation to periods of time when a certificate-holder is not employed in a position requiring administrative certification.
- 2) The requirements of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and performing services for less than 50 percent of the school day or school term.
- 3) Further, special provisions shall apply when an individual is performing services on more than one type of certificate. The certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.
 - A) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time shall be subject only to the requirements of this Section with regard to continuing professional development.
 - B) Example: An individual who teaches for 60 percent of the time and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Subpart J of this Part with regard to continuing professional development.
 - C) Example: An individual who performs services for 50 percent of the time on an administrative certificate and 50 percent of the time on a standard or master teaching certificate shall choose either the requirements of this Section or the requirements of Subpart J of this Part to fulfill. Completion of one set of requirements shall suffice for renewal of both types of certificates.
 - i) An individual who chooses to fulfill the requirements of this Section shall notify the local professional development committee that is responsible for his or her teaching certificate that he or she will be completing continuing professional development with respect to the administrative certificate.
 - ii) An individual who chooses to fulfill the requirements of Subpart J of this Part shall notify the reviewer responsible for the administrative certificate that he or she will be completing continuing professional development with respect to a teaching certificate.

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- 1) Section 21-7.1(c-10) of the School Code provides that *those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates. The certificates that are subject to this provision include:*
 - 1) Limited Supervisory (Type 60);
 - 2) All-Grade Supervisory (Type 61);
 - 3) Limited Elementary Supervisory (Type 62);
 - 4) Limited High School Supervisory (Type 63);
 - 5) Life General Supervisory (Type 70); and
 - 6) Life Supervisory (Type 71).
- b) ~~Submission of Plans for the Continuing Professional Education of Administrators~~
 - 1) ~~Each school district, and each cooperative program operated between or among school districts or by Regional Superintendents of Schools (pursuant to Section(s) 3-15.14, 10-22.31, and/or 10-22.31a of the School Code), which employs persons in positions requiring an administrative certificate, shall submit to the State Board of Education a plan for the continuing professional education of the administrators employed therein ("Plan"). In the case of cooperative programs, the Plan shall be submitted by the administrative agent of the cooperative entity.~~
 - 2) ~~Each Regional Superintendent of Schools may submit to the State Board of Education a Plan for the Regional Superintendent and any Assistant Regional Superintendent(s) in the region.~~
 - 3) ~~All Plans shall be submitted to the State Board of Education no later than December 1, 1991.~~
 - 4) ~~Whenever any substantive change is to be made to a Plan which has been approved by the State Superintendent of Education, the revised Plan shall be submitted to the Board for review and approval.~~
- e) ~~Content of Plans~~
 - 1) ~~Each Plan shall include a description of how the affected administrators were involved in its development.~~
 - 2) ~~Each Plan shall contain a description of the affected administrators' goals and objectives related to their continuing professional development. These goals and objectives shall include, but need not be limited to:~~
 - A) ~~*Improving administrators' knowledge of instructional practices and administrative procedures;*~~
 - B) ~~*Maintaining the basic level of competence required for initial certification; and*~~
 - C) ~~*Improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance.*~~
 - 3) ~~Each Plan shall contain a description of professional education activities;~~

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~~which shall be approved by the school district or cooperative, for addressing the goals and objectives set forth. These approved activities may be applicable to individuals or may be extended to groups of administrators and may include:~~

- ~~A) Attendance at Illinois Administrators' Academy seminars;~~
 - ~~B) Attendance at college/university courses and seminars;~~
 - ~~C) Participation in state and national conferences of professional organizations;~~
 - ~~D) Reading of literature assigned or designated by the district or cooperative;~~
 - ~~E) Conducting research;~~
 - ~~F) Viewing and/or listening to media materials assigned or designated by the district or cooperative;~~
 - ~~G) Working with consultants on projects sponsored by the district or cooperative; and~~
 - ~~H) Developing, revising, and updating educational programs related to new professional duties and responsibilities.~~
- 4) Each Plan submitted by a school district shall be approved by the local school board. Each Plan submitted by a cooperative shall be approved by its governing board or board of control. Each Plan submitted by a Regional Superintendent shall be signed by such Regional Superintendent.
 - 5) Each Plan shall provide for annual participation by each affected administrator in at least one approved activity which contributes to continuing professional education as outlined in subsection (3), and for at least biennial attendance in a program developed by the Illinois Administrators' Academy.
 - 6) Each Plan shall require that documentation of each administrator's annual participation in approved activities be placed in his or her personnel file and that he or she be provided with a copy of such documentation.
- d) **Review and Approval of Plans**
 - 1) The State Superintendent of Education shall review all Plans submitted pursuant to subsection (b) and shall approve each Plan that conforms to the requirements set forth in subsection (c).
 - 2) The State Superintendent of Education shall reject each Plan that does not conform to the requirements set forth in subsection (c). Upon rejection of its Plan, the school district or cooperative shall revise the Plan to provide for compliance with this Section and shall submit such revised Plan to the State Superintendent within 45 days after receipt of the notice of rejection.
 - e) **Notification Procedures**
 - 1) Each school district or cooperative shall notify each affected administrator employed by such entity of the requirements for continuing professional

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- education at the beginning of each school year. Such notification shall include reference to the fact that renewal of the administrative certificate is conditioned on satisfaction of these requirements.
- 2) ~~Each school district or cooperative shall submit to the State Superintendent of Education by June 30 of each year a statement of assurance that each affected administrator has participated in the activities set forth in the approved Plan for the entity or, should this not be the case, shall identify those administrators who have not done so.~~
 - 3) ~~The State Superintendent of Education shall identify to each Regional Superintendent of Schools those affected administrators in the respective Educational Service Region who have not participated as required.~~
 - 4) ~~The State Superintendent of Education shall notify each individual certificate holder who has not participated in the required professional education activity that he or she is deficient in meeting the requirements for the next renewal of his or her administrative certificate and of the procedures to follow in removing such deficiency in accordance with subsection (f).~~
 - 5) ~~Each Regional Superintendent of Schools shall register the administrative certificates of those administrators in the Region who have not participated in an approved Plan as required, and shall note the deficiencies, which must be removed by June 30 of the next calendar year in order for the holder to be eligible for renewal. However, no certificate may be renewed if the requirements of this Section have not been met.~~
- f) ~~Removal of Deficiencies~~
- 1) ~~Work done to remove deficiencies for one particular year shall not be used to satisfy requirements for any other year.~~
 - 2) ~~Individuals may remove deficiencies only by:~~
 - A) ~~earning 3 semester hours of credit from a recognized institution of higher learning in courses related to the certificate holder's contractual administrative duties; or~~
 - B) ~~satisfactorily completing an Administrators' Academy training session.~~
 - 3) ~~An individual who has removed a deficiency shall present evidence thereof to the school district or cooperative. Such evidence shall consist of either an official university transcript indicating that three semester hours of credit have been earned or a certificate of participation in an Administrators' Academy training session.~~
 - 4) ~~On June 30 of each year, each school district or cooperative shall notify the State Superintendent of Education of all administrators who have removed deficiencies during that year and of those who have not done so. The State Superintendent shall notify those administrators who failed to~~

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- ~~remove deficiencies and their respective Regional Superintendents that their certificates may not be renewed.~~
- 5) ~~Any administrative decision regarding non-renewal of an individual's administrative certificate may be appealed in accordance with the provisions of 23 Ill. Adm. Code 480 (Hearings Before the State Teacher Certification Board).~~
- g) ~~Other Administrative Certificate Holders~~
- 1) ~~Persons who hold administrative certificates but are not employed in positions requiring such certification shall be required to comply with the requirements of Section 21-7.1 of the School Code starting with the first year in which they accept such employment.~~
- 2) ~~Administrative certificates of such persons, if registered annually with a Regional Superintendent of Schools, shall continue to be valid for future employment in positions requiring the administrative certificate.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement

- a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code [105 ILCS 5/21-1a(d)]. Beginning October 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching, which shall be based upon the standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning October 1, 2003) the applicable assessment of professional teaching only if:
- 1) he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching for that certificate); or
 - 2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or

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- 3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.
- b) The required test of subject matter knowledge is that test which corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.
- c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, ~~and~~ the subject matter knowledge test which corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.
- d) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.725 Applicability of Scores

- a) Each person seeking certification in Illinois must pass the test of basic skills.
- b) Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.
- c) Beginning October 1, 2003, each person seeking an early childhood, elementary, secondary, or special certificate must also pass the assessment of professional teaching relevant to the certificate sought, unless he or she has already passed an assessment of professional teaching that encompasses the grade levels of the certificate sought or is subject to the exception stated in Section 25.720(a)(1) of this Part.
- d) Except as provided in subsections (c), (e) and (f) of this Section, for each person seeking an Illinois certificate, neither the score on the basic skills test, nor the score on the assessment of professional teaching, nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.
- e) A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part shall not be required to retake that test.

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- f) A person who has passed the basic skills test and has been issued a certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
- g) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

**SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE**

Section 25.900 Applicability of Requirements in this Subpart

Pursuant to Section 21-2(c) of the School Code [105 ILCS 5/21-2(c)], the requirements of this Subpart K shall apply beginning on July 1, 2003, to each holder of an Illinois initial or initial alternative teaching certificate, or an equivalent certificate issued by another state, who has completed four years of teaching and is seeking a standard teaching certificate.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.905 Choices Available to Holders of Initial Certificates

Pursuant to Section 21-2(c) of the School Code, an individual who is subject to the requirements of this Subpart K shall successfully complete one of the options listed in this Section in order to qualify for a standard teaching certificate. Each affected individual may choose to:

- a) Complete a program of induction and mentoring that meets the requirements of Section 25.910 of this Part;
- b) Complete at least four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) that meets the requirements of Section 25.915 of this Part;
- c) Complete at least four semester hours of graduate-level coursework addressing the requirements for certification by the National Board for Professional Teaching Standards that meets the requirements of Section 25.920 of this Part;
- d) Receive an advanced degree from an accredited institution of higher education in an education-related field, provided that the coursework completed meets the requirements of Section 25.925 of this Part;
- e) Accumulate 60 continuing professional development units (CPDUs), or such quantity as may be applicable under Section 21-2(c)(2)(E) of the School Code

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[105 ILCS 5/21-2(c)(2)(E)], by completing selected activities as specified in Section 25.930 of this Part; or

- f) Complete a nationally normed, performance-based assessment, if such an assessment is made available pursuant to Section 25.940 of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.910 Requirements for Induction and Mentoring

Completion of a program of induction and mentoring as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) The program selected by a certificate-holder must have been approved for this purpose by the State Board of Education in consultation with the State Teacher Certification Board. Two or more school districts or other organizations may jointly offer a program of induction and mentoring under this Section. An entity or group of entities that wishes to offer an approved program of induction and mentoring shall submit to the State Superintendent of Education a written plan for the program that conforms to the requirements of Section 21-2(c)(2)(A) of the School Code [105 ILCS 5/21-2(c)(2)(A)]. A program shall be approved if the plan demonstrates that the program will meet the specifications of subsections (b) through (g) of this Section. The State Board of Education shall annually publish a list of induction and mentoring programs that have been approved for this purpose.
- b) A formally trained mentor shall be assigned to assist each new teacher, and no mentor shall be assigned to assist more than five new teachers during any given school year. To the extent possible, mentor teachers shall hold the same type of certificate as the new teachers with whom they will work. Each mentor teacher assigned shall hold, or shall have retired while holding, a standard or master certificate and shall have completed a training program that addresses all the following topics:
- 1) Content Knowledge and Pedagogy;
 - 2) Adult Learning Theory;
 - 3) Verbal and Non-Verbal Communication Skills;
 - 4) Attributes and Styles of Positive Critiques;
 - 5) Classroom Observation Skills Related to Assessment of Performance (which shall include observation of each prospective mentor by another experienced teacher, as well as receipt of and response to feedback provided by that individual, in order to understand the process of mentoring from the perspective of the recipient teacher);
 - 6) Strategies for Providing Constructive Feedback and Social Support;
 - 7) Problem-Solving Skills; and

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- 8) Formative Assessment and Self-Assessment.
- c) Each new teacher shall receive formal mentoring consisting of an established sequence of sessions no less than two school years in duration. The planned sequence for each teacher shall comprise no fewer than three episodes of observation that include preparation with the mentor teacher prior to observing the new teacher in the classroom; observation of the new teacher's teaching practice; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
- d) The program shall afford mentor teachers and new teachers systematic opportunities for contact with each other so that new teachers will receive professional and social support in the school environment. The program shall include a formal mechanism for orienting new teachers to the school improvement and professional development plans that apply and for assisting them in understanding their respective employers' expectations with regard to the Illinois Professional Teaching Standards and the relevant content-area standards.
- e) New teachers shall be afforded at least one opportunity during each semester to participate in professional development opportunities that involve:
- 1) observing teaching practice modeled by experienced teachers and discussing selected aspects of teaching practice with these teachers; or
 - 2) participating in workshops, conferences, symposia, seminars, or other, similar training events that are designed to increase teachers' knowledge and skills with respect to the Illinois Professional Teaching Standards or the content-area standards that apply to their respective areas of certification or assignment.
- f) The program shall require formative assessment of new teachers' professional development. The mentor teacher shall participate in formative assessment by providing written feedback after observing the teaching performance of the new teacher and by providing written analysis of written materials prepared by the new teacher. The new teacher shall participate in formative assessment by preparing at least one written reflection on his or her teaching practice for each quarter of a school year, for review by the mentor teacher. New teachers' written reflections shall be required to focus on relevant aspects of the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) and the content-area standards that apply to their assignments and areas of certification and to issues identified in the feedback received from mentor teachers.
- g) Each plan for an induction and mentoring program shall include a specific method for collecting and maintaining information that will permit evaluation of the program and will contribute to an overall assessment of the effectiveness of induction and mentoring. For each program, at least the following information shall be collected and supplied to the State Board of Education upon request:

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- 1) the length of time during which recipients of the program remain employed as teachers (if known) or remain employed as teachers in the district where mentoring and induction were received;
 - 2) ~~the percentage of recipient teachers who received ratings of "satisfactory" or "excellent" each year since completing the program;~~
 - 3) any savings realized in the cost of recruiting new teachers due to increased retention; and
 - 4) any decrease in the number or percentage of teachers teaching outside their respective fields.
- h) A certificate-holder who elects to complete a program of induction and mentoring as the means of qualifying for the standard teaching certificate shall notify the local professional development committee (LPDC) that is responsible for comparable standard certificates to this effect and identify the program selected. Within 30 days after receipt of this notification, the LPDC shall respond to the certificate-holder in writing, either confirming that the selected program has been listed by the State Board of Education as approved for this purpose or notifying the certificate-holder that the program has not been approved and that completion of the program will not result in eligibility for the standard certificate.
- i) As evidence of completion for this requirement, the candidate for a standard certificate shall submit to the responsible LPDC verification, in a format specified by the State Board of Education, signed by the administrator of the approved mentoring and induction program.
- j) An individual may transfer between programs approved under this Section.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.915 Requirements for Coursework on the Assessment of One's Own Performance

Completion of at least four semester hours of graduate-level coursework on the assessment of one's own performance as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) Only coursework offered by an accredited institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit shall qualify for this purpose. (Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)])
- b) An eligible entity that offers or plans to offer coursework that will result in candidates' eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material

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demonstrating that the coursework includes the activities required by Section 21-2(c)(2)(B) of the School Code.

- c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant's teaching practice, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice, in accordance with the requirements of this subsection (c).
- 1) Each participant's teaching practice shall be observed on at least one occasion, either by the course instructor or by a designee identified by the instructor who:
 - A) holds, or at the time of his or her retirement held, a standard or master teaching certificate; or
 - B) has completed training covering the topics listed in Section 25.910(b) of this Part; or
 - C) in the judgment of the course instructor, has the knowledge and skills required in order to provide appropriate feedback to new teachers regarding their teaching practice.
 - 2) Each participant shall assemble sufficient written lesson plans, assignments to students, samples of students' work responding to the assignments, and assessment instruments used with respect to the assignments to provide evidence of his or her performance with respect to all the standards set forth in 23 Ill. Adm. Code 24.100(a) through (i), provided that the material required by this subsection (c)(2) shall be presented for no fewer than two separate lessons, at least one of which is the subject of an observation conducted pursuant to subsection (c)(1) of this Section. The participant shall also provide a written discussion of how the material assembled relates to each of the Illinois Professional Teaching Standards referred to in this subsection (c)(2), with emphasis on the aspects listed in Section 21-2(c)(2)(B)(ii) of the School Code [105 ILCS 5/21-2(c)(2)(B)(ii)]. In using students' work for this purpose, participants shall ensure that students are not identifiable or shall obtain consent for the release of the students' work in keeping with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the rules for Student Records (see 23 Ill. Adm. Code 375).
 - 3) The course instructor or a designee who meets the requirements of subsection (c)(1) of this Section shall review the documentation submitted by the participant and provide written feedback regarding the new teacher's strengths and weaknesses, factors to consider, and techniques with potential for improving the new teacher's practice.

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- 4) For each of the two lessons documented under subsection (c)(2) of this Section, each participant shall prepare his or her own written analysis of the strengths and weaknesses revealed by the applicable documentation and the implications of that analysis for improving his or her teaching in relation to the Illinois Professional Teaching Standards.
- 5) The grades issued to participants in the coursework shall reflect the instructor's assessment of the participants' performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor's assessment of the participants' performance as teachers.
- d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.
- e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.
- f) An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course's content with the requirements of this Section and Section 21-2(c)(2)(B) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)

Completion of at least four semester hours of graduate-level coursework related to the requirements for certification by the NPBTS as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) Only coursework offered by an accredited institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit shall qualify for this purpose. (Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)])
- b) An eligible entity that offers or plans to offer coursework that will result in candidates' eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework addresses the five "core propositions" that

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guide the National Board's certification initiatives: the need for high and rigorous standards; reliance on performance-based assessments; acknowledgment of the complexity of teaching; the importance of quality assurance and professional accountability; and the potential for influencing change within the educational system.

- c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant's teaching practice in light of applicable standards, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice.
- 1) These required elements may be provided either by means of the activities described in Section 25.915(c)(1) through (c)(4) of this Part or by using another sequence of activities that is designed to provide beginning teachers with direct feedback from experienced teachers and a structure for reviewing their own teaching in light of this feedback and in light of their students' performance.
- 2) The grades issued to participants in the coursework shall reflect the instructor's assessment of the participants' performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor's assessment of the participants' performance as teachers.
- d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.
- e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.
- f) An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course's content with the requirements of this Section and Section 21-2(c)(2)(C) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.925 Requirements Related to Advanced Degrees

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Qualification for the standard teaching certificate based upon receipt of an advanced degree in an education-related field shall be subject to the requirements of this Section.

- a) For purposes of this Section, an “advanced degree” is a master’s degree, a doctoral degree, a certificate of advanced study, or an education specialist.
- b) For purposes of this Section, an “education-related field” is one related to the requirements for the early childhood, elementary, secondary, special, or special preschool-age 21 certificate, the school service personnel certificate, the administrative certificate, or any endorsement available on any of these certificates pursuant to the rules of the State Board of Education (see 23 Ill. Adm. Code 23, 23 Ill. Adm. Code 24, 23 Ill. Adm. Code 25, 23 Ill. Adm. Code 26, 23 Ill. Adm. Code 27, and 23 Ill. Adm. Code 29) or the policies of the State Board of Education related to certification in special education under the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.)
- c) Regardless of the degree earned, *at least eight semester hours of graduate-level credit must be earned by the certificate-holder for coursework that would count toward a degree, certificate, or endorsement in a teaching field* [105 ILCS 5/21-2(c)(2)(D)].
- d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC an official transcript showing that the degree was issued and that the requirements of subsection (c) of this Section were met.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.930 Requirements for Continuing Professional Development Units (CPDUs)

The applicability of CPDUs toward receipt of the standard teaching certificate shall be subject to the requirements of this Section and Section 25.935 of this Part.

- a) Each candidate for the standard certificate shall be required to accumulate 60 CPDUs in conformance with this Section, unless the candidate held an initial teaching certificate on August 10, 2002. A candidate who held an initial teaching certificate on that date shall be required to accumulate:
 - 1) 45 CPDUs, if at least three but fewer than four years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time when the certificate remains valid between the candidate’s completion of four years of teaching experience and the following June 30 (see Section 25.11(d)(4) of this Part);
 - 2) 30 CPDUs, if at least two but fewer than three years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate’s completion of four years of teaching experience and the following June 30; or

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- 3) 15 CPDUs, if at least one year but fewer than two years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate's completion of four years of teaching experience and the following June 30.
- b) At least one-half the CPDUs a person must accrue in order to qualify for a standard teaching certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards. (Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)]
- c) The activities selected by a certificate-holder pursuant to subsection (b) of this Section shall conform to the requirements of clauses (A) through (D) of Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)].
- d) Any school district, nonpublic school, cooperative or joint agreement, regional office of education, institution of higher education, teacher union or professional association, non-profit organization or corporation, for-profit entity, member of the International Association for Continuing Education and Training (IACET), or individual may apply for approval to offer activities that will be creditable under this Section. Each application shall include at least the following information:
 - 1) a description of the organization's or individual's experience in providing training of a similar nature;
 - 2) the qualifications that will be required of presenters who conduct the activities;
 - 3) the specific standards proposed to be addressed in each activity; and
 - 4) an outline, syllabus, videotape, or other descriptive material that demonstrates how each activity will fulfill the requirements and offer the components required by Section 21-2(c)(3) of the School Code.
- e) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve the provision of an activity for purposes of this Section if the application provides evidence that:
 - 1) the activity will be presented or conducted by persons with education and experience in assisting teachers to focus on the fundamental aspects of their teaching practice, including:
 - A) knowledge of content and pedagogy;
 - B) assessment of students' learning and provision of timely and effective feedback to them;
 - C) classroom management strategies;
 - D) development of instructional goals;
 - E) design and delivery of instruction; and

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- F) reflection on and analysis of teaching practice and success in assisting students to reach instructional goals.
- 2) The application demonstrates that the activity will address one or more of the Illinois Professional Teaching Standards or the content-area standards that are relevant to the participating teachers' areas of certification and assignment.
- 3) The application demonstrates that the activity requires performance on the part of each participating teacher with respect to reflecting on his or her own teaching practice.
- 4) The applicant provides assurances that attendance records for the activity will be maintained for a period of not less than five years and each participant will receive evidence of completion in a standard format required by the State Board of Education.
- f) A certificate-holder may use one activity or several activities to fulfill the requirements of this Section, provided that all applicable standards are addressed. A certificate-holder who chooses this method of qualifying for the standard certificate shall use a standard format (matrix) made available by the State Board of Education to correlate the activities completed with the standards they addressed. In addition, the certificate-holder shall prepare a brief written statement describing new knowledge or skills he or she has gained as a result of each activity completed.
- g) One CPDU shall be available for each hour of direct participation by a holder of an initial teaching certificate in a qualifying activity under this Section. (Section 21-2(c)(3)(E) of the School Code [105 ILCS 5/21-2(c)(3)(E)])
- h) The balance of the CPDUs an individual is required to accrue in combination with those earned pursuant to subsection (f) of this Section may be earned by completing activities chosen from among those described in Section 25.935 of this Section.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.935 Additional Activities for Which CPDUs May Be Earned

At the option of the certificate-holder, CPDUs in addition to those required under Section 25.930(b) of this Part may be earned for activities under this Section to complete the total number needed by the individual. The permissible activities, the number of CPDUs to be credited for each, and the required evidence of completion for each shall be as described in Section 25.875(b), (c), (f), (g), (j), (l), (m), (n), (o), (s), (t), (u), (v), (w), (x), and (y) of this Part and in subsections (a) and (b) of this Section. In addition to the specific requirements described in those provisions, the evidence of completion required for each of the activities shall include a brief written statement prepared by the certificate-holder which summarizes the activity or

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experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case. Activities shall only be creditable under this Section if completed while the individual held an initial certificate or a comparable certificate issued by another state or territory.

- a) Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards [105 ILCS 5/21-2(c)(4)(C)(i)] participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-2(c)(4)(C)(ii)]

1) Definitions

- A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses student achievement and/or one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section.
- B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
- 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
- 3) Evidence of Completion
- A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; and the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
- B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.

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- b) Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards [105 ILCS 5/21-2(c)(4)(D)(iii)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of student achievement, the Illinois Professional Teaching Standards, or the content-area standards relevant to its members in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
 - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
 - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.940 Examination

The State Board of Education, in consultation with the State Teacher Certification Board, may identify and make available a nationally normed, performance-based assessment of whether candidates' induction to the profession of teaching has advanced their command of appropriate teaching practices and strategies and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students. If an examination is made available pursuant to this Section, the State Board of Education shall notify all Illinois school districts and other entities that employ teachers, all Illinois institutions of higher education that prepare educational personnel, and the teachers' professional associations or unions to this effect. This notification shall include:

- a) identification of the examination whose successful completion will be a means of qualifying for a standard teaching certificate;
- b) the schedule for the first year of administration of that examination;
- c) how prospective candidates may obtain information about registration; and
- d) the cost to the candidate of participating in the examination, which shall not exceed the cost of the coursework described in Section 25.915 of this Part.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 25.945 Procedural Requirements

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- a) In order to qualify for a standard teaching certificate, a holder of an initial teaching certificate shall choose one of the methods described in Section 25.905 of this Part. No later than two years after receiving an initial certificate, he or she shall provide written notification of the method chosen to the local professional development committee (LPDC) established pursuant to Section 25.845 of this Part that is responsible for the type of certificate held or, if applicable, to the regional superintendent who is considered to be the LPDC for holders of standard certificates in similar employment pursuant to Section 25.815(a) of this Part.
- b) The responsible LPDC shall respond within 60 days after receiving written notification from an individual as to whether the method he or she has chosen is acceptable as a means of qualifying for a standard teaching certificate. If the individual has chosen a method not in conformance with Section 21-2(c) of the School Code and this Subpart K, the committee's response shall inform the individual of the nature of the method's nonconformance so that he or she may select a method that, upon successful completion, will contribute towards the acquisition of a standard teaching certificate.
- c) *A person must complete his or her chosen requirement before the expiration of his or her initial teaching certificate and must submit evidence of having done so to the local professional development committee. [105 ILCS 5/21-2(c)(5)] The required evidence of completion shall be as specified in Sections 25.910, 25.915, 25.920, 25.925, 25.930, 25.935, and 25.940 of this Part, as applicable to the requirement chosen.*
- d) *Within 30 days after receipt of a person's evidence of completion, the LPDC shall forward the evidence of completion to the responsible regional superintendent of schools, along with the LPDC's recommendation, based on that evidence, as to whether the person is eligible to receive a standard teaching certificate. Concurrently, the LPDC shall provide a copy of this recommendation to the affected person. [105 ILCS 5/21-2(c)(5)]*
- e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall submit to the regional superintendent his or her application for a standard certificate, along with the fee required pursuant to Section 21-12 of the School Code [105 ILCS 5/21-12].
- f) *The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a standard teaching certificate, including the completion of four years of teaching, shall forward to the State Board of Education a recommendation for issuance or non-issuance. Concurrently, the regional superintendent shall notify the affected person of the recommendation forwarded. [105 ILCS 5/21-2(c)(5)] Using a format prescribed by the State Board of Education, the regional superintendent shall forward his or her recommendation*

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- regarding a particular individual, as well as the LPDC's recommendation, within 30 days after receiving the LPDC's recommendation regarding that person. The regional superintendent shall be responsible for retaining the evidence of completion submitted with respect to applicants for standard certification in accordance with the requirements of the Local Records Act [50 ILCS 205].
- g) If the regional superintendent's recommendation with regard to any person is to deny issuance of the standard teaching certificate:
- 1) the regional superintendent shall state his or her rationale for the recommendation;
 - 2) the individual's copy of the regional superintendent's notification shall be sent by certified mail, return receipt requested; and
 - 3) the regional superintendent shall return the application fee with the notification.
- h) Upon review of regional superintendent's recommendations, including any rationales provided pursuant to subsection (g)(1) of this Section, and the respective applications for certification, the State Board of Education shall issue standard teaching certificates to those who qualify and shall notify in writing, via certified mail, return receipt requested, persons affected by the denial of standard teaching certificates. [105 ILCS 5/21-2(c)(5)] Each notification shall include a rationale for the State Board's refusal to issue a standard certificate.
- i) Within 14 days after receipt of notice that the State Board of Education has denied him or her a standard teaching certificate based on failure to meet the requirements of this Subpart K, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.
- 1) Each appeal shall state the reasons why the State Board's decision should be reversed and shall be sent by certified mail, return receipt requested.
 - A) Appeals shall be addressed to:

State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois 62777
 - B) No electronic or facsimile transmissions will be accepted.
 - C) Appeals postmarked later than 14 calendar days after receipt of notifications of denial will not be processed.
 - 2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:

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- A) evidence that he or she has satisfactorily completed one of the options outlined in this Subpart K as a means of qualifying for the standard teaching certificate; and
 - B) any other relevant documents.
- j) Upon receipt of an appeal, the State Teacher Certification Board shall request the record of review from the State Superintendent of Education for consideration at its next available meeting. In reviewing the appeal, the Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:
- 1) the individual's application for a standard certificate;
 - 2) the rationale for the State Board's refusal to issue a standard certificate;
 - 3) the available evidence of completion;
 - 4) the appeal form; and
 - 5) any additional information submitted by the individual to support the appeal.
- k) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days' notice of the date, time, and place of the hearing shall be given to the affected individual.
- l) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
- m) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding the issuance of a standard certificate by certified mail, return receipt requested, no later than 30 days after reaching a decision.
- n) The decision of the State Teacher Certification Board regarding an appeal is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Added at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.304 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of a Department initiative to simplify budgeting procedures for local office staff. These proposed amendments will simplify budgeting procedures by reducing the number of fiscal months from seven to two. Companion amendments are being proposed at 89 Ill. Adm. Code 114 and 121.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.78	Amendment	26 Ill. Reg. 14416; 10/4/02
112.83	Amendment	26 Ill. Reg. 14416; 10/4/02
112.251	Amendment	26 Ill. Reg. 10190; 7/12/02
112.252	Amendment	26 Ill. Reg. 10190; 7/12/02
112.253	Amendment	26 Ill. Reg. 10190; 7/12/02
112.254	Amendment	26 Ill. Reg. 10190; 7/12/02

- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Robert L. Doyle III, Bureau Chief

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

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because it was not anticipated by the Department when the agenda documents were filed.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

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Section

112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

112.98	Exchange Program (Repealed)
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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

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112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	Income Limit

SUBPART H: PAYMENT AMOUNTS

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Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States
(Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After
8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard
(Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections
Facilities (Repealed)

SUBPART J: CHILD CARE

Section

- 112.350 Child Care (Repealed)
- 112.352 Child Care Eligibility (Repealed)
- 112.354 Qualified Provider (Repealed)
- 112.356 Notification of Available Services (Repealed)
- 112.358 Participant Rights and Responsibilities (Repealed)

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- 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 112.364 Rates of Payment for Child Care (Repealed)
- 112.366 Method of Providing Child Care (Repealed)
- 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

- 112.400 Transitional Child Care Eligibility (Repealed)
- 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
- 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
- 112.408 Qualified Child Care Providers (Repealed)
- 112.410 Notification of Available Services (Repealed)
- 112.412 Participant Rights and Responsibilities (Repealed)
- 112.414 Child Care Overpayments and Recoveries (Repealed)
- 112.416 Fees for Service for Transitional Child Care (Repealed)
- 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV 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; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, 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; amended 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

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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, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory 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 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; preemptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9,

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1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill.

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Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days;

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recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART I: OTHER PROVISIONS

Section 112.304 Budgeting Schedule

- a) The budget month and payment month for each case are determined by the schedule the unit is in. The schedule also governs the approximate issuance date of the assistance payment.
- b) The following schedules have been established:

SCHEDULE
NUMBER

BUDGET MONTH AND
PAYMENT MONTH DATES

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00	1 st through last Day of Calendar Month
01	1 st through last Day of Calendar Month
02	1 st through last Day of Calendar Month
03	1 st through last Day of Calendar Month
04	1st 7th through last 6th Day of Calendar Month
05	16th 10th through 15th 9th Day of Calendar Month
06	16th 14th through 15th 13th Day of Calendar Month
07	16th 17th through 15th 16th Day of Calendar Month
08	16th 20th through 15th 19th Day of Calendar Month
09	16th 22nd through 15th 21st Day of Calendar Month

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 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>Proposed Action:</u>
113.253	Amendment
113.260	Amendment
- 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] and 20 CFR 416.2096.
- 5) A Complete Description of the Subjects and Issues involved: A grant adjustment is an allowance for the Aid to the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits. These changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$7.00, the amount of the January 2003 SSA/SSI cost of living adjustment. The increase allows AABD cash clients to realize their Social Security benefit increase.
- 6) Will this rulemaking replace an 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
- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mr. Robert L. Doyle III, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building

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Springfield, Illinois 62762
Telephone number: (217) 785-9772

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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NOTICE OF PROPOSED 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

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 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

- 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)

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- 113.110 Budgeting Earned Income (Repealed)
- 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

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113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
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
113.263	Service Animals

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	Retrospective 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)

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- 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)
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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory 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,

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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, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory 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;

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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 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

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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, 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 September 3, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for ~~\$373.90~~ ~~\$366.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals ~~receiving Interim Assistance or~~ residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 113.260 Sheltered Care/Personal or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
<u>861.55</u>	<u>0-7</u>	<u>873.55</u>
<u>866.55</u>	<u>8</u>	<u>879.55</u>
<u>871.55</u>	<u>9</u>	<u>885.55</u>
<u>876.55</u>	<u>10</u>	<u>891.55</u>
<u>881.55</u>	<u>11</u>	<u>897.55</u>
<u>886.55</u>	<u>12</u>	<u>903.55</u>
<u>891.55</u>	<u>13</u>	<u>909.55</u>
<u>896.55</u>	<u>14</u>	<u>915.55</u>
<u>901.55</u>	<u>15</u>	<u>921.55</u>

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<u>906.55</u>	<u>16</u>	<u>927.55</u>
<u>911.55</u>	<u>17</u>	<u>933.55</u>
<u>916.55</u>	<u>18</u>	<u>939.55</u>
<u>921.55</u>	<u>19</u>	<u>945.55</u>
<u>926.55</u>	<u>20</u>	<u>951.55</u>
<u>931.55</u>	<u>21</u>	<u>957.55</u>
<u>936.55</u>	<u>22</u>	<u>963.55</u>
<u>941.55</u>	<u>23</u>	<u>969.55</u>
<u>946.55</u>	<u>24</u>	<u>975.55</u>
854.55	0-7	866.55
859.55	8	872.55
864.55	9	878.55
869.55	10	884.55
874.55	11	890.55
879.55	12	896.55
884.55	13	902.55
889.55	14	908.55
894.55	15	914.55
899.55	16	920.55
904.55	17	926.55
909.55	18	932.55
914.55	19	938.55
919.55	20	944.55
924.55	21	950.55
929.55	22	956.55
934.55	23	962.55
939.55	24	968.55

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through ~~14040~~.885 for needs assessment guidelines.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Number: 114.405 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of a Department initiative to simplify budgeting procedures for local office staff. These proposed amendments will simplify budgeting procedures by reducing the number of fiscal months from seven to two. Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 121.
- 6) Will this rulemaking replace an 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.350	Amendment	26 Ill. Reg. 10192; 7/12/02
114.351	Amendment	26 Ill. Reg. 10192; 7/12/02
114.352	Amendment	26 Ill. Reg. 10192; 7/12/02
114.353	Amendment	26 Ill. Reg. 10192; 7/12/02

- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Robert Doyle, Bureau Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
- 114.90 Work and Training Programs
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants
- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump-Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income for Contractual Employees
114.247	Budgeting Earned Income for Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 114.401 Eligibility of Strikers
- 114.402 Special Needs Authorizations (Repealed)
- 114.403 Institutional Status
- 114.404 Budgeting
- 114.405 Budgeting Schedule
- 114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
- 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
- 114.420 Redetermination of Eligibility
- 114.430 Extension of Medical Assistance Due to Increased Income from Employment
- 114.440 Attorney's Fees for VA Appellants
- 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

- 114.450 Child Care (Repealed)
- 114.452 Child Care Eligibility (Repealed)
- 114.454 Qualified Provider (Repealed)
- 114.456 Notification of Available Services (Repealed)
- 114.458 Participant Rights and Responsibilities (Repealed)
- 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
- 114.464 Rates of Payment for Child Care (Repealed)
- 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section

- 114.500 Transitional Child Care Eligibility (Repealed)
- 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
- 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
- 114.508 Qualified Provider (Repealed)
- 114.510 Notification of Available Services (Repealed)
- 114.512 Participant Rights and Responsibilities (Repealed)
- 114.514 Child Care Overpayments and Recoveries (Repealed)
- 114.516 Fees for Service for Transitional Child Care (Repealed)
- 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory 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; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, 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; peremptory 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; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended 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; peremptory 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; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory 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; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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; peremptory amendment at 6 Ill. Reg. 2452, 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.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART G: OTHER PROVISIONS

Section 114.405 Budgeting Schedule

- a) The payment month for each GA case is determined by the schedule in which the unit is placed. The schedule the unit is in also governs the approximate mailing date of the assistance grant.

SCHEDULE NUMBER	PAYMENT MONTH DATES
01	1 st through last Day of Calendar Month
03	1 st through last Day of Calendar Month
04	1st-7th through last Day 6th -of next -Calendar Month
05	16th-19th through 15th-9th of next Calendar Month
06	16th-14th through 15th-13th of next Calendar Month
07	16th-17th through 15th-16th of next Calendar Month
08	16th-20th through 15th-19th of next Calendar Month
09	16th-22nd through 15th-24st of next Calendar Month

- b) The above table applies to all GA units. ~~The assistance is issued at or near the beginning of the payment month.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: 121.92 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 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) A Complete Description of the Subjects and Issues involved: This rulemaking is the result of a Department initiative to simplify budgeting procedures for local office staff. These proposed amendments will simplify budgeting procedures by reducing the number of fiscal months from seven to two. Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 114.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.10	Amendment	26 Ill. Reg. 14452; 10/4/02
121.20	Amendment	26 Ill. Reg. 11706; 7/12/02
121.26	Amendment	26 Ill. Reg. 9563; 7/5/02
121.59	Amendment	26 Ill. Reg. 11706; 7/12/02
121.60	Amendment	26 Ill. Reg. 15099; 10/18/02
121.61	Amendment	26 Ill. Reg. 15099; 10/18/02
121.63	Amendment	26 Ill. Reg. 15099; 10/18/02
121.63	Amendment	26 Ill. Reg. 11706; 7/12/02
121.64	Amendment	26 Ill. Reg. 15099; 10/18/02
121.151	Amendment	26 Ill. Reg. 9563; 7/5/02

- 10) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Robert Doyle, 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
- 14) Initial Regulatory Flexibility Analysis:
- D) Types of small businesses, small municipalities and not for profit corporations affected: None
- E) Reporting, bookkeeping or other procedures required for compliance: None
- F) Types of professional skills necessary for compliance: None
- 15) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

121.32	Education Benefits
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)

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- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
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- 121.90 Monthly Reporting and Retrospective Budgeting
- 121.91 Monthly Reporting
- 121.92 Retrospective Budgeting
- 121.93 Issuance of Food Stamp Benefits
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- 121.96 Uses For Food Coupons
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- 121.130 Residents of Shelters for Battered Women and their Children
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121.165	Community Work
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121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
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121.178	Job Training Component (Repealed)
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121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
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121.188	Supportive Services
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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)
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121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
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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

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of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; 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

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21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; 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

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amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. _____, effective _____.

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SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.92 Budgeting

- a) All food stamp households shall have income and attendant circumstances budgeted on a prospective basis.
- b) The payment month is the fiscal month the food stamp benefits cover.
- c) The payment month for each food stamp case is determined by the schedule in which the household is placed. The schedule also governs the approximate availability date of the food stamp benefits.

SCHEDULE NUMBER	PAYMENT MONTH DATES
00	1 st through last Day of Calendar Month
01	1 st through last Day of Calendar Month
02	1 st through last Day of Calendar Month
03	1 st through last Day of Calendar Month
04	1st 7th through last 6th Day of Calendar Month
05	16th 10th through 15th 9th Day of Calendar Month
06	16th 14th through 15th 13th Day of Calendar Month
07	16th 17th through 15th 16th Day of Calendar Month
08	16th 20th through 15th 19th Day of Calendar Month
09	16th 22nd through 15th 21st Day of Calendar Month
22	1 st through last Day of Calendar Month

(Source: Amended at 27 Ill. Reg. _____, effective _____)

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Heritage Grants Program
- 2) Code Citation: 17 Ill. Adm. Code 4111
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4111.10	New
4111.20	New
4111.30	New
4111.40	New
4111.50	New
4111.60	New
4111.70	New
4111.80	New
4111.90	New
4111.100	New
- 4) Statutory Authority: Section 16 of the Historic Preservation Agency Act [20 ILCS 3405/16]
- 5) A complete description of the subjects and issues involved: The proposed rule prescribes the process by which the public applies for and receives matching funds for the restoration and rehabilitation of designated historic landmarks and prescribes how the Historic Preservation Agency will administer the program.
- 6) Will this rule replace an emergency rule currently in effect? No
- 7) Does this rule contain an automatic repeal date? No
- 8) Does this rule contain incorporations by reference? Yes

The “Secretary of the Interior’s Standards for the Treatment of Historic Properties,” 36 CFR 68.
The “National Register of Historic Places,” 36 CFR 60.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of statewide policy objectives: The Historic Preservation Agency shall assist the public to protect and to extend the useful life of the State’s significant historic properties for economic, educational and environmental benefits.

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11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Comments in writing may be sent to:
Theodore Hild
Preservation Services Division
Illinois Historic Preservation Agency
One Old Capitol Plaza
Springfield, Illinois 62704
Written comments may also be faxed to 217-524-7525

12) Initial regulatory flexibility analysis:

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

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it had not been prepared.

The full text of the Proposed Rules begins on the next page.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION

CHAPTER VI: ILLINOIS HISTORIC PRESERVATION AGENCY

PART 4111

ILLINOIS HERITAGE GRANTS PROGRAM

Section

4111.10	Authority – Applicability of this Part
4111.20	Definitions
4111.30	Administration
4111.40	Eligibility
4111.50	Application Process
4111.60	Application Contents
4111.70	Disbursement of Funds
4111.80	Approval of Work
4111.90	Funding Limitation
4111.100	Project Completion

AUTHORITY: Authorized by and implementing Section 16(r) of the Historic Preservation Agency Act [20 ILCS 3405/16]

Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 4111.10 Authority – Applicability of this Part

- a) This Part is promulgated pursuant to Section 16(r) of the Illinois Historic Preservation Agency Act [20 ILCS 3405/16].
- b) This Part shall govern the administration of the Illinois Heritage Grants Program of the Illinois Historic Preservation Agency, including the qualifications of grantees, awarding grants, the grantee application process and the disbursement of grant funds appropriated for the purpose of the Illinois Heritage Grants Program.
- c) This Part shall not govern any other grant program conducted by the Agency.

Section 4111.20 Definitions

“Agency” means the Illinois Historic Preservation Agency.

“Director” means the Director of the Illinois Historic Preservation Agency.

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“Grantee” means the person or entity that receives and is responsible for the grant funds.

“Landmarks ordinance” means an ordinance of county or municipal government for which the intended purpose is the designation of historic landmarks.

“National Register of Historic Places” means the register of districts, sites, buildings, structures and objects significant in American history, architecture, engineering, archaeology and culture maintained by the United States Secretary of the Interior as authorized by the National Historic Preservation Act of 1966 (916 USC 470), as amended, and implemented in 36 CFR 60.

“Planning” means the process that determines how a property should be treated. Planning activities may include the preparation of plans and specifications for construction projects.

“Pre-construction” and “non-construction” mean architectural and engineering services, archaeological services, building permits, project signs, and bidding costs that are directly related to the project.

“Reconstruction” means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, buildings, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural or architectural values.

“Restoration” means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” means those historic preservation design standards provided in 36 CFR 68,

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NOTICE OF PROPOSED RULES

which are hereby incorporated into this Part (July 1, 2000, no later amendments or editions included).

“Survey” means the process of determining the existing and past conditions of a property.

Section 4111.30 Administration

- a) This program shall be entitled the Illinois Heritage Grants Program.
- b) The Preservation Services Division of the Illinois Historic Preservation Agency shall administer the program.

Section 4111.40 Eligibility

- a) Eligible applicants are owners of property that:
 - 1) is individually listed in the National Register of Historic Places;
 - 2) contributes to the character of a historic district listed in the National Register of Historic Places;
 - 3) is designated a landmark under a county or municipal landmark ordinance;
 - or
 - 4) is within a historic district designated under a county or municipal landmark ordinance where the Director determines that the property contributes to the character of the historic district.
- b) Eligible applicants may be agents of the property owner when they have written permission from the owner of record.
- c) Eligible activities for Illinois Heritage Grants Program funding include planning, survey, rehabilitation, restoration, reconstruction and landscaping for structures and archaeological sites.

Section 4111.50 Application Process

- a) The Agency shall produce and make available to the public an application for awarding grant funds.
- b) Deadlines for the receipt of applications from qualified applicants shall be set by the Agency to occur not less than once in each fiscal year for which funds are appropriated.
- c) The Agency shall give eligible applicants adequate notice of the availability of grant funds through Agency publications, press release, mailing, or publication in the State newspaper.

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- d) The Agency shall set evaluation standards by which grant funds will be awarded. These standards shall reflect current statewide historic preservation conditions and may be changed from time to time to reflect changes in the State's historic preservation needs. These standards shall include, but not be limited to:
 - 1) Level of significance of the property;
 - 2) Urgency of the proposed work;
 - 3) Whether grant assistance will have a significant effect;
 - 4) Preparedness of the applicant to begin the project;
 - 5) Public benefit.
- e) The staff of the Preservation Services Division will evaluate applications. The Director may select individuals with demonstrated expertise in historic preservation who are employed by neither the Agency nor State government to evaluate applications.
- f) Grant funds will be awarded to applicants whose applications receive highest evaluations. The Director may award funds to eligible projects when those awards are in the best interests of the property.

Section 4111.60 Application Contents

- a) Applications for Illinois Heritage Grants shall include, but not be limited to:
 - 1) Name of the proposed grantee.
 - 2) Name and address of the property that is to be the object of the grant.
 - 3) Type of ownership or status of the property.
 - 4) Address and telephone number for the project contact.
 - 5) Landmark designation, if any.
 - 6) State and federal legislative districts in which the project is located.
 - 7) Photographs of the property depicting the property generally and those portions of the property that will be affected by work undertaken as a result of the grant.
 - 8) Map of a scale sufficient to locate the property.
 - 9) Notarized statement of ownership.
 - 10) Statement indicating the availability of matching funds.
 - 11) Project schedule.
 - 12) Project budget.
 - 13) Project description.
- b) The Agency shall determine whether the information in subsection (a) is provided sufficiently in the application. In particular, the Agency will determine whether the proposed project description meets the United States Secretary of the Interior's Standards for Treatment of Historic Properties. The Agency may reject an incomplete, incorrect or insufficient application based on the applicant's failure to

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provide the information in subsection (a). Applications received after the deadline cannot be considered.

- c) All projects must meet the Secretary of the Interior's Standards for the Treatment of Historic Properties as determined by the Agency.

Section 4111.70 Disbursement of Funds

Disbursement of funds from the Agency to the grantee will be on a reimbursement basis, when the grantee provides the Agency with documentation of expenditures. Documentation of expenditures should take the form of cancelled checks, paid receipts, or any acceptable accounting verification, together with an explanation of the nature of the costs. Reimbursements will be made in allocations of 40% of the grant amount for each of the first two reimbursements and 20% for the final reimbursement. Reimbursement alternatives may be arranged to address special circumstances.

Section 4111.80 Approval of Work

Grantees shall not initiate any work on the proposed project without the Agency's written approval. Project costs for work undertaken without written approval shall not be eligible for reimbursement. The Agency may cancel a grant and withhold unexpended funds and may recover funds already disbursed for unapproved work.

Section 4111.90 Funding Limitation

- a) The Agency shall provide no more than 60% of the entire amount of actual expenditures of a single project.
- b) No single grant shall exceed \$50,000. The Agency may reduce the maximum amount in any year in order to address fiscal exigencies.
- c) No grantee shall be awarded more than one grant in each fiscal year.

Section 4111.100 Project Completion

- a) Prior to any payment of grant funds, the grantee shall agree to protect the rights of the State in the improvement to the property funded by the grant for a period of five years for awards of \$25,000 or less and for a period of ten years for awards greater than \$25,000.
- b) A project will be considered completed when the Agency accepts a final completion report that includes, but is not limited to, photographs of the completed work, a narrative statement from the grantee describing and evaluating the project, cancelled checks, paid receipts, lien waivers, audit reports or whatever financial documentation the Agency may require.

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- c) The Agency may withhold final payment until a final completion report has been accepted.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or 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: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the regulatory agenda was published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section

330.10	Purpose and Scope
330.15	Incorporations by Reference
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section

330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section

330.240	Filing Application for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Expiration and Termination of Licenses
330.330	Renewal of Licenses
330.340	Amendment of Licenses at Request of Licensee
330.350	Department Action on Application to Renew or Amend

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

- 330.360 Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
- 330.370 Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
- 330.400 Transfer of Material
- 330.500 Modification and Revocation of Licenses
- 330.900 Reciprocal Recognition of Licenses

SUBPART D: TRANSPORTATION (Repealed)

Section

- 330.1000 Transportation of Radioactive Materials (Repealed)

- APPENDIX A Exempt Concentrations
- APPENDIX B Exempt Quantities
- APPENDIX C Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
- TABLE A Group I (Repealed)
- TABLE B Group II (Repealed)
- TABLE C Group III (Repealed)
- TABLE D Group IV (Repealed)
- TABLE E Group V (Repealed)
- TABLE F Group VI (Repealed)
- APPENDIX D Limits for Broad Licenses (Section 330.270)
- APPENDIX E Schedule E (Repealed)
- APPENDIX F Schedule F (Repealed)
- APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
- APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150

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days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses - Radioactive Material Other Than Source Material

- a) Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment ~~that has~~ ~~which have~~ been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.
- AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 ~~that~~~~which~~ relate to the labeling of containers.
- 1) Static Elimination Device. Devices designed for use as static eliminators ~~that~~~~which~~ contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.
 - 2) Ion Generating Tube. Devices designed for ionization of air ~~that~~~~which~~ contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device or a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
- b) Certain Measuring, Gauging or Controlling Devices
- 1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (4) of this Section, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
 - 2) The general license in subsection (b)(1) of this Section applies only to radioactive material contained in devices ~~that~~~~which~~ have been manufactured and labeled in accordance with the specifications contained

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in a specific license issued by the Department pursuant to Section 330.280(d) of this Part or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State ~~that, which~~ authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling ~~that thereon which~~ is found in 21 CFR 179.21.

- 3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license in subsection (b)(1) of this Section:
- A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained ~~on the device thereon~~ and shall comply with all instructions and precautions provided by such labels;
 - B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified in the label; however:
 - i) Devices containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
 - ii) Devices containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
 - C) Shall assure that ~~testing~~ (including testing required by subsection (b)(3)(B) of this Section), installation, servicing and removal from installation involving the radioactive material, its shielding or containment ~~is, are~~ performed:
 - i) In accordance with the instructions provided by the labels; or
 - ii) By a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities;

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- D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B) and (C) of this Section. The records shall show the results of tests concerning the installation, testing for leakage or contamination, servicing and removal of radioactive material, its shielding or containment. The records also shall show the dates of performance of and the names of persons performing these tests. Records of tests for leakage of, or contamination by, radioactive material required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test for leakage or contamination is performed or until the sealed source is transferred or disposed of. Records of tests of the on-off mechanism and indicator required by subsection (b)(3)(B) of this Section shall be maintained for 1 year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records ~~which are~~ required by subsection (b)(3)(C) of this Section, other than records of tests for leakage of, or contamination by, radioactive material, shall be maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;
- E) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nCi) or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Department a report containing a brief description of the event and the remedial action taken;
- F) Shall not abandon the device containing radioactive material;
- G) Except as provided in subsection (b)(3)(H) of this Section, shall transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State whose specific license authorizes him to receive the device and, within 30 days after transfer of a device to a specific licensee shall furnish to the Department a report

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containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

- H) Shall transfer the device to another general licensee only:
- i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) of this Section and any safety documents identified in the label on the device and, within 30 days after the transfer, report to the Department the manufacturer's name and model number of device transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee; or
 - ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;
- I) Shall notify the Department in writing no later than 30 days after receiving a device containing radioactive material. Such notification shall include:
- i) The name and mailing address of the general licensee;
 - ii) Information about the device, including the manufacturer, model, serial number, date of receipt, location of use within the radiation installation, and radionuclides and activities within the device;
 - iii) Addresses at which devices are used or stored; and
 - iv) The name and telephone number of an individual responsible for having knowledge of the applicable regulations and the authority to take required actions to achieve compliance. The appointment of a responsible individual does not relieve the general licensee of its responsibility to ensure compliance with the regulations;
- J) Shall report changes in the information submitted pursuant to subsection ~~330.220~~(b)(3)(I) of this Section. ~~Changes~~Such changes shall be reported within 30 days after they occur;
- K) Shall comply with the provisions of 32 Ill. Adm. Code 340.1205, 340.1210, 340.1220 and 340.1260 for reporting radiation incidents, theft, loss, and leakage of, or contamination by, licensed material, but shall be exempt from the other requirements of 32 Ill. Adm.

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Code 340.1205, 340 and 400.

- 4) An out-of-state general licensee or other person from out-of-state shall notify the Department in writing prior to transporting a device into Illinois. The Such notification shall include the proposed locations and periods of possession. The notification shall also include the information required by subsection (b)(3)(I) of this Section, except that the date of receipt of a device and its location within a radiation installation need not be reported. The out-of-state person shall report proposed changes in the notification information previously submitted under this subsection (b)(4) before the changes occur.
 - 5) The general license in subsection (b)(1) of this Section does not authorize the manufacture of devices containing radioactive material.
 - 6) The general license provided in subsection (b)(1) of this Section is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- c) Luminous Safety Devices for Aircraft
- 1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
 - A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and
 - B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53 published January 1, 1998, exclusive of subsequent amendments or editions.
 - 2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.
 - 3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.
 - 4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.
 - 5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of

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this Part.

- d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.
- e) Calibration and Reference Sources
 - 1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5) of this Section, americium-241 in the form of calibration or reference sources:
 - A) Any person who holds a specific license issued by the Department ~~that~~which authorizes him to receive, possess, use and transfer radioactive material; and
 - B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission ~~that~~which authorizes him to receive, possess, use and transfer special nuclear material.
 - 2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Department ~~that~~which authorizes him to receive, possess, use and transfer radioactive material.
 - 3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) of this Section to any person who holds a specific license issued by the Department ~~that~~which authorizes him to receive, possess, use and transfer radioactive material.
 - 4) The general licenses in subsections (e)(1) through (3) of this Section apply only to calibration or reference sources ~~that~~which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57 or 70.39, or ~~that~~which have been manufactured in accordance with the specifications contained in a specific license issued by the Department, an Agreement State or a Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57 or 70.39, published January 1, 1998, exclusive of subsequent amendments or editions.
 - 5) The general licenses provided in subsections (e)(1) through (3) of this Section are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer

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one or more calibration or reference sources pursuant to these general licenses:

- A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 microCi) of americium-241, 185 kBq (5 microCi) of plutonium or 185 kBq (5 microCi) of radium-226 in such sources;
- B) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label ~~that~~**which** includes one of the following statements, as appropriate, or a statement ~~that~~**which** contains the information called for in one of the following statements, as appropriate:
- i) The receipt, possession, use and transfer of this source, Model ____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

- ii) The receipt, possession, use and transfer of this source, Model ____, Serial No. _____, are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

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Name of Manufacturer or Importer

- C) Shall not transfer, abandon or dispose of ~~thesueh~~ source except by transfer to a person authorized by a license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;
 - D) Shall store ~~thesueh~~ source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 ~~thatwhich~~ might otherwise escape during storage; and
 - E) Shall not use ~~thesueh~~ source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
- 6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.
- f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing
- AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.
- 1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6) of this Section, the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:
 - A) Carbon-14, in units not exceeding 370 kBq (10 microCi) each.
 - B) Cobalt-57, in units not exceeding 370 kBq (10 microCi) each.
 - C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 microCi) each.
 - D) Iodine-125, in units not exceeding 370 kBq (10 microCi) each.
 - E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
 - F) Iodine-131, in units not exceeding 370 kBq (10 microCi) each.
 - G) Iron-59, in units not exceeding 740 kBq (20 microCi) each.
 - H) Selenium-75, in units not exceeding 370 kBq (10 microCi) each.

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- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) of this Section until he has filed the Department form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License," with the Department and received from the Department a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Department. The following information shall be furnished to the Department on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":
 - A) Name and address of the physician, veterinarian, clinical laboratory or hospital;
 - B) The location of use; and
 - C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) of this Section and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
- 3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) of this Section shall comply with the following:
 - A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) of this Section, at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 microCi).
 - B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
 - C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) of this Section.
 - D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
 - E) The general licensee shall dispose of the mock iodine-125

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- reference or calibration sources described in subsection (f)(1)(E) of this Section as required by 32 Ill. Adm. Code 340.1010(a).
- 4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) of this Section:
- A) Except as prepackaged units ~~that~~~~which~~ are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) of this Part or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State ~~that~~~~which~~ authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under subsection (f) of this Section or its equivalent; and
- B) Unless one of the following statements, as appropriate, or a statement ~~that~~~~which~~ contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure ~~that~~~~which~~ accompanies the package:
- i) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.
-
- Name of Manufacturer
- ii) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to

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human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

Name of Manufacturer

- 5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) of this Section shall report in writing to the Department, any changes in the information furnished by him in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Department Form KLM.006. The report shall be furnished within 30 days after the effective date of ~~the~~~~such~~ change.
 - 6) Any person using radioactive material pursuant to the general license of subsection (f)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that ~~such~~ persons using the mock iodine-125 described in subsection (f)(1)(E) of this Section shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1205, 340.1210 and 340.1220.
 - 7) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.
- g) Ice Detection Devices
- 1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 microCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of ~~the~~~~such~~ device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.
 - 2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) of this Section:
 - A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device,

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discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service ~~those such~~ devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);

- B) Shall assure that all labels affixed to the device at the time of receipt, and ~~that which~~ bear a statement ~~that which~~ prohibits removal of the labels, are maintained ~~on the device thereon~~; and
 - C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.
- 3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.
 - 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1370.140	Amendment
1370.305	Amendment
1370.360	Amendment
- 4) Statutory Authority: Professional Boxing Act [225 ILCS 105].
- 5) A Complete Description of the Subjects and Issues Involved: Section 1370.140 is amended to provide that title bouts may now be 8 or 10 rounds, as well as 12, and rounds may be 2 as well as 3 minutes. Obsolete provisions have also been removed in 2 sections.
- 6) Will these proposed amendments replace emergency rules 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 Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813

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

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed boxers and boxing promoters.
 - 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: January 2002

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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NOTICE OF PROPOSED AMENDMENTS

- 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

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maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency 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 September 3, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: BOXING

Section 1370.140 State of Illinois Boxing Championships

- a) All title bouts will be at least 8, 10 or 12 rounds, each of which is 2 or 3 minutes, with one minute of rest between rounds.
- b) Scoring will be the 10-point system as described in Section 1370.80. The scoring will be done by 3 judges. The referee will be a non-scoring official.
- c) In the event a boxer is knocked down, there will be a mandatory 8-count. There is no standing 8-count.
- d) The bout will be stopped any time the referee or physician considers it necessary for the safety of either contestant.
- e) The weigh-in will be set by the Department. The champion and challenger will have 2 hours after the initial weigh-in to make weight; if either fails to make weight, no title will be at stake.
- f) A champion must keep his/her boxing license up to date. He/she will have 30 days after the expiration date, which is September 30 of odd-numbered years, to renew his or her license. If the license is not renewed, the boxer's title will be vacated.
- g) A champion must defend or have a contract to defend his/her title every 6 months or his/her title will be vacated.
- h) If a champion is convicted of any felony and must be incarcerated, his/her title will be declared vacant.
- i) If a champion wins a major title, such as International Boxing Federation, World Boxing Organization, WBC, World Boxing Association, NABF, NABO or United States Boxing Association, he/she must relinquish his/her State title.
- j) All championship bouts must be approved by the Department.
- k) A 10% fee above the normal scale will be paid to the officials who work the championship bout.
- l) The championship belt must be provided by the promoter for the new champion.
- m) It is the responsibility of the champion's manager to contact a promoter for the defense of the champion's title.
- n) There will be no sanction fee for the championship bout.
- o) Gloves will be 8-ounce thumb web. Contestants 150 pounds and over may wear

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- 10-ounce gloves.
- p) A boxer must be licensed in Illinois and residing in Illinois or an adjacent state before he/she is eligible to be rated. He/she must also have at least one fight every 6 months.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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) The application fee for a license as a boxing promoter is \$500.
 - 2) The application fee for a license as a boxing referee is \$150.
 - 3) The application fee for a license as a boxing matchmaker is \$150.
 - 4) The application fee for a license as a boxing manager is \$100.
 - 5) The application fee for a license as a boxing contestant is \$25.
 - 6) The application fee for a license as a boxing timekeeper is \$75.
 - 7) The application fee for a license as a boxing judge is \$50.
 - 8) The application fee for a license as a boxing second is \$25.
- b) Renewal Fees
- 1) The renewal fee for a boxing promoter license shall be calculated at the rate of \$250 per year.
 - 2) The renewal fee for a boxing referee license shall be calculated at the rate of \$75 per year.
 - 3) The renewal fee for a boxing matchmaker license shall be calculated at the rate of \$75 per year.
 - 4) The renewal fee for a boxing manager license shall be calculated at the rate of \$50 per year.
 - 5) The renewal fee for a boxing contestant license shall be calculated at the rate of \$12.50 per year.
 - 6) The renewal fee for a boxing timekeeper license shall be calculated at the rate of \$37.50 per year.
 - 7) The renewal fee for a boxing judge license shall be calculated at the rate of \$25 per year.
 - 8) The renewal fee for a boxing second license shall be calculated at the rate of \$12.50 per year.
- c) General Fees
- 1) The fee for a permit for a boxing match ~~or wrestling event~~ is \$50.

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

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 1370.360 Renewals

- a) Every license issued under the Act shall expire on October 1 of each odd numbered year. The holder of a license 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 their renewal in order to renew their license.
- c) It is the responsibility of each licensee 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 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.20 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed changes regarding medical payment are necessary to correct an error that was adopted to 89 Ill. Adm. Code 140.20 on September 26, 2002. Prior to this adoption, Section 140.20 required Medicaid claims, in accordance with federal regulation, to be received by the Department within 12 months after the date of service. The adopted amendments allow a submittal period of 24 months for Medicare/Medicaid claims. The changes were intended to address an often inadequate 12 month time frame since the Department does not receive Medicare/Medicaid crossover claims until after the provider has received notice of disposition of the Medicare claim.

Prior to the adoption of September 26, 2002, first notice changes were made to simplify the proposed text. However, the changes included the following statement, in error: "This exception does not apply to inpatient claims for participants with Medicare Part B coverage only." These proposed amendments correct this error and thereby allow the expended time limitation of 24 months for all claims that involve disposition by Medicare or its fiscal intermediary.

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

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.3	Amendment	26 Ill. Reg. 14948; 10/18/02
140.13	Amendment	26 Ill. Reg. 13450; 9/13/02
140.21	Amendment	26 Ill. Reg. 14948; 10/18/02
140.24	Amendment	26 Ill. Reg. 13450; 9/13/02
140.71	Amendment	26 Ill. Reg. 12545; 8/16/02

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140.450	Amendment	26 Ill. Reg. 8243; 6/7/02
140.523	Amendment	26 Ill. Reg. 10243; 7/19/02
140.530	Amendment	26 Ill. Reg. 13026; 8/30/02
140.860	New Section	26 Ill. Reg. 13146; 9/6/02

- 10) Statement of Statewide Policy Objective: This proposed amendment does 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 Grand 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 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: Providers of services in the Department's Medical Assistance Program will be affected by this proposed rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This proposed amendment was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the 2 most recent regulatory agendas were published.

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

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NOTICE OF PROPOSED 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

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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)

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- 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

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140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
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
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140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
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140.448	Returned Pharmacy Items
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140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling

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140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
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
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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

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140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

SUBPART E: GROUP CARE

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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

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140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
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
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140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
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140.560	Components of the Base Rate Determination
140.561	Support Costs Components
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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)

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140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
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)
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140.885	Provider Responsibilities (Repealed)

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140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term 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

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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)

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140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
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	Medicheck 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

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

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11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 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;

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emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; 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

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December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 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

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September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 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

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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 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.20 Submittal of Claims

- a) When claims for payment are submitted to the Department, providers shall:
 - 1) Use Department designated billing forms for submittal of charges, and
 - 2) Certify that:
 - A) They have personally rendered the services and provided the items for which charges are being made,
 - B) Payment has not been received, or that only partial payment has been received,
 - C) The charge made for each item constitutes the complete charge,
 - D) They have not, and will not, accept additional payment for any item from any person or persons, and
 - E) They will not make additional charges to, nor accept additional payment from, any persons if the charges they present are reduced by the Department to conform to Department standards.
- b) Statement of Certification
 - 1) All billing statements shall contain a certification statement that must remain unaltered, and must be legibly signed and dated in ink by the provider or his authorized representative. A rubber stamp or facsimile signature is not acceptable.
 - 2) An "authorized representative" may only be a trusted employee over whom the provider has direct supervision on a daily basis and who is personally responsible on a daily basis to the provider. Such representative must be specifically designated and must sign the provider's name and his or her own initials on each certification statement.
- c) To be eligible for payment consideration, a provider's vendor-payment claim or

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bill, either as an initial or resubmitted claim following prior rejection, must be received by the Department, or its fiscal intermediary, no later than 12 months after the date on which medical goods or services were provided, with the following exception. The Department must receive a claim after disposition by Medicare or its fiscal intermediary no later than 24 months after the date on which medical goods or services were provided. ~~This exception does not apply to inpatient claims for participants with Medicare Part B coverage only.~~

- d) Claims that are not submitted and received in compliance with the foregoing requirements will not be eligible for payment under the Department's Medical Assistance Program, and the State shall have no liability for payment thereof.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: 160.70 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-373
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments are being filed pursuant to Public Act 92-373 and Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1]. The amendments are intended to assist in the enforcement of child support orders and specify criteria concerning the Deadbeats Most Wanted List, which will contain names of responsible relative owing past-due child support. The list will contain the names of up to 200 responsible relatives who owe \$5,000 or more in past-due support, and the list will be made available for public inspection at Department offices or by some means of publication including the Internet. The amendments also specify requirements on advance notice to responsible relatives, satisfactory payment plans, administrative hearings, and staying of the Department from publishing past-due support information regarding a specific responsible relative.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
160.15	Amendment	26 Ill. Reg. 14488; 10/4/02
160.45	Amendment	26 Ill. Reg. 14488; 10/4/02
160.60	Amendment	26 Ill. Reg. 14488; 10/4/02
160.61	Amendment	26 Ill. Reg. 14488; 10/4/02
160.65	Amendment	26 Ill. Reg. 14488; 10/4/02
160.70	Amendment	26 Ill. Reg. 14488; 10/4/02
160.80	Repeal	26 Ill. Reg. 14488; 10/4/02
160.88	Amendment	26 Ill. Reg. 14488; 10/4/02

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- 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 Grand 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 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: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments will require the development of a list of responsible relatives owing \$5,000 or more in past-due child support.
- C) Types of professional skills necessary for compliance: None

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- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This proposed rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was inadvertently omitted when the 2 most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders

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

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

- Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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

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

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section 160.70 Enforcement of Support Orders

- a) **Definitions**

The definitions contained in Section 160.60(a) are incorporated herein by reference.
- b) **Income Withholding**

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- c) **Federal and State Income Tax Refunds and Other Payments**
 - 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.
 - 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
 - ii) in IV-D non-TANF cases, past-due support owed to or for a minor child in an amount not less than \$500.
 - B) the Comptroller to intercept State income tax refunds and other State payments as follows:
 - i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less;
 - ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State

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because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for intercept;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,
 - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:
 - A) a hearing by the Department within 30 days from the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall

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provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
 - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
 - A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) of this Section ~~above~~ and shall promptly apply:
 - A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution

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- provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
 - A) amounts intercepted under this subsection (c) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- d) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
 - 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be

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- heard, when the Department cannot resolve the dispute.
- B) pay all amounts deducted direct to the Department.
- e) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation, except as set forth in subsection (e)(2) of this Section below.
- 2) Contempt proceedings shall not be used in the following instances:
- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
- i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and

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- I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- f) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
 - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.

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- g) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
- A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
- i) the amount of past-due support is at least \$10,000; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
- i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (g).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a

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known equity in the real estate that is not less than \$10,000 in excess of any statutory exemption.

- 2) Liens against personal property
 - A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
 - i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
 - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
 - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, and either the financial institution in which the account of the responsible relative is located or the sheriff of the county in which the personal property of the responsible relative is located. The notice shall inform the responsible relative, joint owner if applicable, and the financial institution or the sheriff of the following:
 - i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
 - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
 - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the

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joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (g)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days of being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and
 - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (g)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:
- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account; and
 - v) the amount of assets surrendered and remitted to the Department.

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- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (g).
 - F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
 - G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
 - H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
 - I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (g).
- h) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (h)(2) and (3) ~~of this Section below~~, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
 - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the

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Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- i) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (c)(2)(A) of this Section:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
 - 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days from the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to consumer

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- reporting agencies by either of the following:
- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- j) High-Volume Automated Administrative Enforcement in Interstate Cases
- 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
 - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize such assets through levy or other appropriate processes.
 - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include such information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of the state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
 - 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of such other state.
 - 5) The Department shall maintain records of:
 - A) The number of such requests for assistance received by the Department.
 - B) The number of cases for the which the Department collected support in response to such a request and the actual amount(s) of such support collected.
- k) Past-Due Support Certified to the Illinois Department of Revenue or to the IV-D

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Agency of Another State for Administrative Enforcement in the Other State

- 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Public Aid Code [305 ILCS 5/10-17.9]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
- 2) The Department may submit past-due support amounts to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount which will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
 - A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, or the IV-D agency of another state for administrative enforcement in the other

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- state, the following descriptive information on the responsible relative:
- A) name;
 - B) social security number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state.
 - 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
 - 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
 - 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
 - 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
 - l) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support

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exceeds \$5,000:

- A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support which has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount which will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- m) List of Responsible Relatives
- 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (m).

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- 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
- 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;
 - C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
 - A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligation(s); and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:

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- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- n)m) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Real Estate Appraiser Certification

2) Code Citation: 68 Ill. Adm. Code 1455

3) Section Numbers: Adopted Action:

1455.10	Repeal
1455.20	Repeal
1455.30	Repeal
1455.40	Repeal
1455.50	Repeal
1455.60	Repeal
1455.70	Repeal
1455.80	Repeal
1455.90	Repeal
1455.100	Repeal
1455.110	Repeal
1455.120	Repeal
1455.130	Repeal
1455.200	Repeal
1455.210	Repeal
1455.220	Repeal
1455.230	Repeal
1455.300	Repeal
1455.310	Repeal
1455.320	Repeal
1455.400	Repeal
1455.410	Repeal
1455.420	Repeal
1455.430	Repeal
1455.440	Repeal
1455.450	Repeal
1455.460	Repeal
1455.470	Repeal
1455.480	Repeal
1455.490	Repeal
1455.500	Repeal
1455.510	Repeal
1455.520	Repeal
1455.530	Repeal
1455.540	Repeal

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NOTICE OF ADOPTED REPEALER

- | | |
|----------|--------|
| 1455.550 | Repeal |
| 1455.560 | Repeal |
| 1455.570 | Repeal |
| 1455.580 | Repeal |
| 1455.590 | Repeal |
| 1455.600 | Repeal |
| 1455.610 | Repeal |
| 1455.620 | Repeal |
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act [225 ILCS 457] and the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
 - 5) Effective Date of Repealer: November 27, 2002
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this repealer contain incorporations by reference? No
 - 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Office of Banks & Real Estate's principal office and is available for public inspection.
 - 9) Notice of Repealer Published in Illinois Register: 26 Ill. Reg. 10081 on July 12, 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 repealer replace an emergency repealer currently in effect? Yes
 - 14) Are there any amendments pending on this Part? A new Real Estate Appraiser Licensing Rule is adopted in 68 Ill. Adm. Code 1455 in this issue of the Illinois Register, but no amendments are pending.
 - 15) Summary and Purpose of Repealer: Public Act 92-180 repealed the Real Estate Appraisal Licensing Act and replaced it with a new Act, the Real Estate Appraiser

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NOTICE OF ADOPTED REPEALER

Licensing Act of 2002. These rules issued under the Real Estate Appraisal Licensing Act are being replaced by new rules adopted by OBRE under the Real Estate Appraiser Licensing Act of 2002.

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

Alan Anderson
Legislative Liaison
500 E. Monroe Street
Springfield IL 62701
Telephone: 217/782-3000
Telefax: 217/558-4297

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1) Heading of the Part: Real Estate Appraiser Licensing

2) Code Citation: 68 Ill. Adm. Code 1455

3) Section Numbers: Adopted Action:

1455.10	New
1455.100	New
1455.110	New
1455.120	New
1455.130	New
1455.140	New
1455.150	New
1455.160	New
1455.170	New
1455.180	New
1455.190	New
1455.200	New
1455.210	New
1455.220	New
1455.230	New
1455.240	New
1455.250	New
1455.260	New
1455.270	New
1455.280	New
1455.290	New
1455.300	New
1455.310	New
1455.320	New
1455.330	New
1455.340	New
1455.350	New
1455.360	New
1455.370	New
1455.380	New
1455.390	New
1455.400	New
1455.410	New
1455.420	New
1455.430	New

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1455.440	New
1455.450	New
1455.460	New
1455.470	New
1455.480	New
1455.490	New
APPENDIX A	New
APPENDIX B	New

- 4) Statutory Authority:
Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) Effective Date of Rules: November 27, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. There are incorporations by reference for the Appraisal Subcommittee's (ASC) National Registry in Section 1455.100 and Uniform Standards of Professional Appraisal Practice (USPAP) by the Appraisal Standards Board (ASB) of the Appraisal Foundation in Section 1455.240.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Office of Banks & Real Estate's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 10078 on July 12, 2002
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: There have been a number of clarifications added covering education and examination requirements and contact information.
- 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? Yes

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rules implement the Real Estate Appraiser Licensing Act of 2002 (PA 92-180). The rules rewrite the existing real estate appraiser certification rules and make modifications in such areas as licensing requirements with respect to experience requirements, temporary practice permits, complaint investigation and resolution.
- 16) Information and questions regarding these adopted rules shall be directed to:

Alan Anderson
Legislative Liaison
500 E. Monroe Street
Springfield IL 62701
Telephone: 217/782-3000
Telefax: 217/558-4297

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

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NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATEPART 1455
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

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SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change; Street Address
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with OBRE
- 1455.300 Felony Convictions; Discipline of Other Professional License;
- 1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
- 1455.330 Granting of Variances
- 1455.340 Duties of the Director

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

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Section	
1455.350	Education Provider Application; Requirements
1455.360	Pre-License Education Course Requirements of Education Providers
1455.370	Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
1455.380	Examples of Acceptable Pre-License Education Courses
1455.390	Continuing Education Course Requirements of Education Providers
1455.400	Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
1455.410	Distance Education
1455.420	Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
1455.430	Continuing Education Reporting
1455.440	Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section	
1455.450	Appraiser Applicants - Transition Provisions
1455.460	Education Providers, Pre-License and Continuing Education Courses - Transition Provisions

SUBPART J: HEARINGS

Section	
1455.470	Applicability
1455.480	Administrative Law Judges
1455.490	Disqualification of an Administrative Law Judge

APPENDIX A	Caption for a Case Filed by the Agency
APPENDIX B	Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum

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of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by OBRE.

"Director" means the Director of the Real Estate Appraisal Administration Division.

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"License" means a certificate of authority, permit or registration issued by OBRE.

"Licensee" means a person who has been issued a license under the Act or this Part.

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SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by this Part;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the pre-license experience requirements as provided by Subpart D; and
 - 5) Proof of successful completion of the examination authorized by OBRE and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Appraiser License shall submit to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of the examination authorized by OBRE and administered by Applied Measurement Professionals, Inc. that may be contacted at 8310 Nieman Road, Lenexa KS 66214 or at its website at www.goamp.com.
- c) Each non-resident applicant for a real estate appraiser license issued pursuant to Section 5-30 of the Act from a jurisdiction with which OBRE has a valid reciprocal agreement shall submit to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by OBRE of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov; and

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- 4) Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), OBRE shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by, the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

- a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License shall submit to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee and late penalty as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.
- d) Any person who fails to submit a renewal application pursuant to this Section within 2 years after the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and this Part.

Section 1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License

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- a) Any person who holds a valid State Real Estate Appraiser License, issued pursuant to a predecessor Act, may convert the license to an Associate Real Estate Appraiser License by submitting to OBRE, prior to September 30, 2003:
 - 1) A conversion application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- b) Any person who fails to submit a conversion application by September 30, 2003 may convert the license for a period of 2 years following the expiration date of his or her license by submitting to OBRE:
 - 1) A conversion application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) The fee and late fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- c) Pursuant to the Act, no initial State Licensed Real Estate Appraiser License shall be issued after June 30, 2002, and no State Licensed Real Estate Appraiser License issued pursuant to a predecessor Act shall be renewed after September 30, 2003.
- d) Any person who fails to submit a conversion application pursuant to this Section within 2 years after the expiration date shall not be eligible to convert his or her license, and shall meet the requirements of a new applicant as required by the Act and this Part.

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to OBRE:
 - 1) An application, provided by OBRE and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by OBRE of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to OBRE.

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- c) Any person issued a temporary practice permit shall be limited to one or more specific appraisal assignments. For the purposes of this Section, the term "assignments" shall mean one or more real estate appraisals and written appraisal reports that are covered by a contract to provide an appraisal.
- d) Any person issued a temporary practice permit shall be subject to the provisions of the Act and this Part, and OBRE shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.
- e) If OBRE takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.

Section 1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

- a) OBRE shall issue a certificate of licensure and a pocket card to all real estate appraisers approved for licensure under the Act and this Part. The certificate shall include the name, license number, address and rank of the real estate appraiser and the date of expiration.
- b) OBRE shall issue a certificate for a temporary practice permit to all real estate appraisers approved to practice on a temporary permit. The certificate shall include the name, temporary practice permit number and address of the real estate appraiser and the expiration date of the temporary practice permit.

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

- a) Any person who makes application for a State Certified General Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 180 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 120 classroom hours completed by a State Certified Residential Real Estate Appraiser licensed under the Act or the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted

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- from education providers and courses approved by OBRE.
- b) Any person who makes application for a State Certified Residential Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 120 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by OBRE.
 - c) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by OBRE.
 - d) OBRE may accept evidence of successful completion of pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB. A real estate appraiser who wishes to obtain credit for pre-license education courses not licensed by OBRE shall submit to OBRE:
 - 1) An application provided by OBRE requesting approval for pre-license education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested pre-license education credit, or any other evidence to be considered by OBRE; and
 - 3) The fee as provided in Section 1455.320.

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

- a) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the

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equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period.

If a real estate appraiser was issued an initial license for less than one year prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license for more than one year prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.

A real estate appraiser must complete a minimum of 7 hours of continuing education in coursework relative to USPAP that is approved by the AQB and taught by an AQB certified instructor during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than one year prior to the expiration date. Continuing education credit will only be accepted from education providers and courses approved by OBRE.

- b) OBRE may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by OBRE shall submit to OBRE:

- 1) An application provided by OBRE requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
- 2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
- 3) The fee as provided in Section 1455.320.

No more than 14 hours of distance learning may be used to meet the continuing education requirements during any pre-renewal period. The 7 hour USPAP course required during each pre-renewal period may not be obtained through a distance learning course or program.

SUBPART D: EXPERIENCE REQUIREMENTS

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Section 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License

Any person who makes application for a State Certified General Real Estate Appraiser License shall be required, as a pre-requisite to examination, to provide evidence of obtaining 3,000 hours of appraisal experience during no fewer than 30 months, of which 1,500 hours shall be in non-residential appraisal work, and shall submit such evidence to OBRE as required by Section 1455.190.

Section 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License

Any person who makes application for a State Certified Residential Real Estate Appraiser License shall be required, as a pre-requisite to examination, to provide evidence of obtaining 2,500 hours of appraisal experience during no fewer than 24 months and shall submit such evidence to OBRE as required by Section 1455.190.

Section 1455.190 Verification of Experience Credit

All applicants shall verify experience credit on forms provided by OBRE. Those forms shall include information on the type of property, e.g., residential or non-residential, date of report, address of appraised property, description of work performed and number of work hours. OBRE may audit such verification and, if requested, the applicant must provide experience documentation in the form of reports or file memoranda and should support the experience claimed. OBRE, at its discretion, will determine the validity of all appraisal experience credit in conformity with criteria recommended by the AQB.

Section 1455.200 Acceptable Appraisal Experience Credit

- a) Acceptable appraisal experience shall include, but is not limited to, fee and staff appraisal, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study. All appraisal experience shall conform to USPAP and shall meet the criteria required by the AQB.
- b) Appraisal education may not be substituted for appraisal experience. A client is not necessary for an appraisal to qualify for appraisal experience. An hour of appraisal experience is defined as verifiable time spent in performing tasks in accordance with acceptable appraisal experience as identified by criteria required by the AQB. There is no time limit during which experience must be obtained.

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SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.210 Notification of Name Change

It is the responsibility of each licensee issued a license under this Act to notify OBRE, within 15 days after any change of name. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify OBRE of the name change, together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate under which name the license shall be issued.

Section 1455.220 Assumed Name

If a licensee operates under any name other than that appearing on his or her license, he or she shall submit to OBRE a certified copy of his or her registration under the Assumed Business Name Act [805 ILCS 405] at the time of application or within 30 days after the registration.

Section 1455.230 Address Change; Street Address

It is the responsibility of the licensee to notify OBRE in writing of a change of address within 15 days after the change. A licensee may use a Post Office Box number, e.g., P.O. Box 1001, as a mailing address, but must additionally notify OBRE of a street address of the licensee's residence or business location.

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 10-10 of the Act, the 2002 Uniform Standards of Appraisal Practice (USPAP), effective January 1, 2002, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by OBRE are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If OBRE files a formal complaint, a USPAP Standard 3 review shall be utilized by OBRE, except OBRE may limit the scope of Standard 3 to exclude valuation.

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SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may be subject to discipline as provided for in the Act and this Part:

- a) In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.
- b) An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users, true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP.
A work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to OBRE within 30 days after request.
- c) An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.
- d) When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.
- e) For the purposes of compliance with USPAP Standard Rule 1-4(a), comparable properties are those properties that are generally similar to the subject property being appraised and may include the following characteristics: building size, architectural style, functional utility, building materials, construction quality, age and condition of improvements, site size, location, view, economic market conditions, and conditions of sale. An appropriate comparable need not necessarily comply with all of the preceding characteristics. However, whenever a comparable is utilized that deviates substantially from the subject property being appraised, the deviation shall be explained in the appraisal report and/or the appropriate adjustment made.
Additionally, properties used as comparables, whenever possible, should be competitive with the subject property and ideally located in the same economic

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market area or neighborhood. If sufficient data on the sales of local comparables are unavailable, transactions involving properties in other comparable, but not directly competitive, neighborhoods or locations may be utilized in the sales comparison analysis.

- f) An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.
For the purposes of this subsection (a)(6), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.
- g) A rebuttable presumption of dishonesty shall arise whenever an appraiser, while performing an appraisal of one to four units of residential property, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:
- 1) Reports a sale of a comparable when no such sale occurred;
 - 2) Reports a sale of a comparable that cannot be independently verified;
 - 3) Reports a verification source when no such verification exists;
 - 4) Mislabels or omits to label the location of the subject or comparable sales on a location map, if used, when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;
 - 5) Mislabels or omits to label the address and/or city of the subject or a comparable sale when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;
 - 6) Significantly misreports or omits to report the appropriate unit of comparison of the subject and/or a comparable property when the proper reporting would have raised a legitimate question as to the appropriateness of the comparable data;
 - 7) Utilizes, as comparable sales, properties located outside the economic market area when suitable comparable sales were available within the economic market area; or
 - 8) Any significant deviation from USPAP standards, the Act or this Part, when viewed in the totality of the circumstances, raises a legitimate question as to the overall credibility of the appraisal.

Section 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

- a) If OBRE receives certification that a licensee is in violation of Section 15-40, 15-

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45 or 15-50 of the Act, OBRE shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee may be refused renewal of the license at its expiration date, unless the licensee provides to OBRE certification that the licensee has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

- b) If OBRE receives certification that an applicant is in violation of Section 15-40, 15-45 or 15-50 of the Act, OBRE shall notify the applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to OBRE proof that the applicant has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.
- c) For the purposes of this Section, "certification" shall mean:
 - 1) a verified statement by the appropriate administering agency of the delinquency, failure to file or failure to pay; or
 - 2) a finding by an administrative body, after notice to the licensee or applicant of evidentiary proceedings, or a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or is delinquent or has defaulted on an Illinois-guaranteed student loan obligation.
- d) A licensee or applicant may participate in a hearing, but the hearing shall only be the purpose of proving that the petitioner is not the person for which such failure to pay or arrearage information was received; that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties; or that the petitioner has satisfied the outstanding debt. Collateral attack of the certification is not permitted.
- e) A license will be eligible for reinstatement, renewal or issuance upon a showing that the certified failure to file, failure to pay delinquency or default has been satisfied, and by completing the appropriate application and paying any fees provided in this Part.

Section 1455.270 Additional Education; Reporting Requirements

OBRE may require a licensee, pursuant to a compliance agreement or order:

- a) To complete additional continuing education or pre-license education coursework; and
- b) To provide any reports, records or other documents pertaining to appraisal activity that OBRE may deem necessary to maintain standards of professional conduct, the competency of a licensee, and the protection of the public.

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Section 1455.280 Administrative Warning Letter

OBRE may issue an administrative warning letter with or without a compliance agreement that may include a fee pursuant to Section 1455.320(h)(10). A compliance agreement may include conditions in order to maintain the standards of professional conduct, the competency of a licensee, and the protection of the public. Administrative warning letters with or without a compliance agreement are not considered to be discipline and are not subject to the Freedom of Information Act [5 ILCS 140].

Section 1455.290 Cooperation Required with OBRE

Pursuant to Section 15-10(a)(17) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's appraisal practice or application for licensure. Full cooperation includes, but is not necessarily limited to providing to OBRE:

- a) A complete copy of a signed appraisal as it was transmitted to the client, including file memoranda, work files, supporting and/or verification documentation that are required to be maintained by the Act;
- b) Continuing education certificates or experience/work log that are required to be maintained by the Act or this Part; or
- c) A complete answer to any written interrogatory or request for clarification submitted to a licensee or applicant.

Section 1455.300 Felony Convictions; Discipline of Other Professional License; Notification

- a) A licensee who holds a valid license issued under the Act shall notify OBRE in writing within 30 days after the date of conviction for any crime described in Section 15-10(a)(4) of the Act. In addition to the notice, the licensee shall provide to OBRE all court records, including but not limited to indictments, information, plea agreements, pre-trial sentencing motions, investigations and orders, as well as judgment and sentencing orders, or other information as required by OBRE to determine fitness for licensure.
- b) A licensee who holds a valid license issued under the Act who has had another professional license disciplined as described in Section 15-10(a)(9) of the Act shall notify OBRE in writing within 30 days after any adverse temporary or final order. In addition to the notice, the licensee shall provide all adverse orders, whether by consent or otherwise, plea agreements, motions or pleadings in which a licensee has made a written statement or admission of culpability in the

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violation of a professional regulation or standard, or other information as required by OBRE to determine fitness for licensure.

Section 1455.310 Unprofessional Conduct

Dishonorable, unethical or unprofessional conduct includes, but is not limited to, the commission of any one of the following:

- a) Aiding or assisting another in the violation of the Act or this Part;
- b) Failing to satisfy a material term of a consent to administrative supervision order or consent order; or
- c) Aiding, assisting or facilitating another to use or appropriate credentials or a license for the purpose of preparing an appraisal report.

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license.
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be \$175.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at \$200 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at \$100 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee to convert a license.
 - 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate

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- Real Estate Appraiser shall be \$200.
- 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$200, plus a \$50 late fee.
- d) Application fee for temporary practice permit.
The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
 - e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee for a license as an education provider shall be \$1,000, plus course application fees.
 - 2) The application fee for a license for a pre-license course shall be \$100.
 - 3) The application fee for a license for a continuing education course shall be \$50.
 - f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee to renew a license as an education provider shall be calculated at \$500 per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 3) The application fee to renew a license as a pre-license course shall be calculated at \$50 per year.
 - 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course shall be calculated at \$25 per year.
 - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - g) For the purposes of determining if a license has expired under this Section, OBRE shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by OBRE on a date later than the expiration date.
 - h) General.
 - 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has

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- been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
- 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
 - 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
 - 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. 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, shall result in the forfeiture of the examination fee.
 - 7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.
 - 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
 - 9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
 - 10) OBRE may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.320 of this Part.

Section 1455.330 Granting of Variances

The Commissioner of the Office of Banks and Real Estate may grant variances from this Part in individual cases when he or she finds:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) The granting of the variance would not be contrary to the public welfare; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

Section 1455.340 Duties of the Director

- a) The Commissioner may delegate authority to the Director. The delegation may

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include, but is not limited to:

- 1) Determine the course of an investigation based upon his or her knowledge, training and experience;
 - 2) Determine whether a complaint be closed without an investigation, given the allegations, or evidence of a violation of the Act or this Part;
 - 3) Close a complaint without any action;
 - 4) Issue an administrative warning letter or cease and desist letter, or request that an attorney issue such letters;
 - 5) Enter into compliance agreements;
 - 6) Refer a complaint for prosecution; or
 - 7) Act upon a request for a variance from this Part.
- b) The authority, once delegated, shall continue until such time as it is amended or withdrawn.

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide pre-license and/or continuing education courses shall submit an application on forms provided by OBRE along with the appropriate fee required by Section 1455.320.
- b) The program of pre-license and/or continuing education for a licensed education provider shall:
 - 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors to instruct such courses as, but not limited to:
 - A) pre-license education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - B) pre-license courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or
 - D) all instructors teaching USPAP courses shall be AQB certified

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instructors; and

- 3) Offer courses that are approved and licensed by OBRE, and conform to the standards established in this Subpart.
- c) Facilities.
- 1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.
 - 2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.
 - 3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of OBRE. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.
 - 4) No education provider shall maintain an office, or conduct education courses, in a private residence.
 - 5) An education provider shall only conduct education courses in locations that are conducive to learning.
- d) Administration.
- 1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by OBRE. The education provider may indicate that it is licensed by, and the course of study has been approved and licensed by, OBRE.
 - 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
 - 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to OBRE upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
 - 4) Each education provider shall upon request by OBRE, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.
 - 5) Any out-of-state education providers shall reimburse OBRE for all reasonable expenses incurred by OBRE while inspecting their facilities.
 - 6) Each education provider shall notify OBRE of all proposed changes in

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ownership of the education provider at least 30 days prior to the change in ownership.

Section 1455.360 Pre-License Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.400 of this Subpart.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) OBRE shall only grant approval for courses that are a part of an overall pre-license education program for each license category; e.g., an education provider must have a 75 hour pre-license program approved for an Associate Real Estate Appraiser, a 120 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 180 hour pre-license education program approved for a State Certified General Real Estate Appraiser.
- e) Each education provider who seeks approval of a course shall submit to OBRE an application on forms provided by OBRE, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

Section 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser

- a) Pre-license education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of 180 classroom hours of instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for an Associate Real Estate Appraiser License, or the 120 hour requirement for a State Certified Residential Real Estate Appraiser License. The content for pre-license

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instruction courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased in topics including, but not limited to, the following:

- 1) influences on real estate value:
- 2) physical and environmental;
 - A) economic;
 - B) governmental and legal; and
 - C) social.
- 3) legal considerations in appraisal:
 - A) real estate vs. real property;
 - B) real property vs. personal property;
 - C) limitations on real estate ownership;
 - D) legal rights and interests;
 - E) forms of property ownership;
 - F) legal descriptions; and
 - G) transfer of title.
- 4) types of value:
 - A) market value or value in exchange;
 - B) price;
 - C) cost;
 - D) investment value;
 - E) value in use;
 - F) assessed value;
 - G) insurable value; and
 - H) going concern value.
- 5) economic principles:
 - A) anticipation;
 - B) balance;
 - C) change;
 - D) competition;
 - E) conformity;
 - F) contribution;
 - G) increasing and decreasing returns;
 - H) opportunity cost;
 - I) substitution;
 - J) supply and demand; and
 - K) surplus productivity.
- 6) real estate markets and analysis:
 - A) characteristics of real estate markets;
 - B) absorption analysis;

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- C) role of money and capital markets; and
- D) real estate financing.
- 7) valuation process:
 - A) definition of the problem;
 - B) collection and analysis of data;
 - C) analysis of highest and best use;
 - D) application and limitations of each approach to value;
 - E) approach to value;
 - F) reconciliation and final value estimate; and
 - G) the appraisal report.
- 8) property description:
 - A) site description;
 - B) improvement description; and
 - C) basic construction and design.
- 9) highest and best use analysis:
 - A) four tests;
 - B) vacant site or as if vacant;
 - C) as improved; and
 - D) interim use.
- 10) appraisal math and statistical concepts:
 - A) compound interest concepts; and
 - B) statistical concepts used in appraisal.
- 11) sales comparison approach:
 - A) research and selection of comparables;
 - B) elements of comparison;
 - C) adjustment process; and
 - D) application of sales comparison approach.
- 12) site value:
 - A) sales comparison;
 - B) land residual;
 - C) allocation;
 - D) extraction;
 - E) ground rent capitalization;
 - F) subdivision analysis; and
 - G) plottage and assemblage.
- 13) cost approach:
 - A) steps in cost approach; and
 - B) application of the cost approach.
- 14) income approach:
 - A) estimation of income and expenses;

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- B) operating statement ratios;
 - C) direct capitalization;
 - D) cash flow estimates (before tax);
 - E) measures of cash flow;
 - F) discounted cash flow analysis (DCF); and
 - G) six functions of a dollar.
- 15) valuation of partial interests:
- A) life estate;
 - B) undivided interest in commonly held property;
 - C) easements;
 - D) timeshares;
 - E) cooperatives;
 - F) leased fee estate; and
 - G) leasehold estate.
- 16) appraisal standards and ethics.
- 17) narrative report writing.
- 18) other topics approved by OBRE and recommended by the AQB.
- b) Pre-license education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 120 classroom hours of instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for an Associate Real Estate Appraiser License. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased in topics including, but not limited to, the following:
- 1) influences on real estate value:
 - A) physical and environmental;
 - B) economic;
 - C) governmental and legal; and
 - D) social.
 - 2) legal considerations in appraisal:
 - A) real estate vs. real property;
 - B) real property vs. personal property;
 - C) limitations on real estate ownership;
 - D) legal rights and interests;
 - E) forms of property ownership;
 - F) legal descriptions; and
 - G) transfer of title.
 - 3) types of value:
 - A) market value or value in exchange;

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- B) price;
 - C) cost;
 - D) investment value;
 - E) value in use;
 - F) assessed value;
 - G) insurable value; and
 - H) going concern value
- 4) economic principles:
- A) anticipation;
 - B) balance;
 - C) change;
 - D) competition;
 - E) conformity;
 - F) contribution;
 - G) increasing and decreasing returns;
 - H) opportunity cost;
 - I) substitution;
 - J) supply and demand; and
 - K) surplus productivity.
- 5) real estate markets and analysis:
- A) characteristics of real estate markets;
 - B) absorption analysis;
 - C) role of money and capital markets; and
 - D) real estate financing.
- 6) valuation process:
- A) definition of the problem;
 - B) collection of analysis of data;
 - C) analysis of highest and best use;
 - D) application and limitations of each approach to value;
 - E) reconciliation of final value estimate; and
 - F) the appraisal report.
- 7) property description:
- A) site inspection;
 - B) improvement description; and
 - C) basic construction and design.
- 8) highest and best use analysis:
- A) four tests;
 - B) vacant site or as if vacant;
 - C) as improved; and
 - D) interim use.

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- 9) appraisal math and statistical concepts:
 - A) compound interest concepts; and
 - B) statistical concepts used in appraisal.
 - 10) sales comparison approach:
 - A) research and selection of comparables;
 - B) elements of comparison;
 - C) adjustment process; and
 - D) application of sales comparison approach.
 - 11) site value:
 - A) sales comparison;
 - B) land residual;
 - C) allocation;
 - D) extraction; and
 - E) plottage and assemblage.
 - 12) cost approach:
 - A) steps in cost approach; and
 - B) application of the cost approach.
 - 13) income approach:
 - A) estimation of income and expenses;
 - B) operating statement ratios;
 - C) direct capitalization; and
 - D) gross rent multiplier analysis.
 - 14) valuation of partial interests:
 - A) interests created by a lease;
 - B) lease provisions;
 - C) valuation considerations; and
 - D) other partial interests.
 - 15) appraisal standards and ethics.
 - 16) narrative report writing.
 - 17) other topics approved by OBRE and recommended by the AQB.
- c) Pre-license education course work to obtain a license as an Associate Real Estate Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:
- 1) influences on real estate value;
 - 2) legal considerations in appraisal;
 - 3) types of value;
 - 4) economic principles;
 - 5) real estate markets and analysis;
 - 6) valuation process;
 - 7) property description;

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- 8) highest and best use analysis;
- 9) appraisal statistical concepts;
- 10) sales comparison approach;
- 11) site value;
- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by OBRE.

Section 1455.380 Examples of Acceptable Pre-License Education Courses

- a) Examples of an acceptable Associate Real Estate Appraiser pre-license program and courses are:
 - 1) Basic real estate appraisal principles, 30 hours.
 - A) Real property concepts and characteristics
 - i) Basic real property concepts
 - ii) Real property characteristics
 - iii) Legal description
 - B) Legal consideration
 - i) Forms of ownership
 - ii) Public and private controls
 - iii) Real estate contract
 - iv) Lease
 - C) Influences on real estate values
 - i) Governmental
 - ii) Economic
 - iii) Social
 - iv) Environmental, geographic and physical
 - D) Types of value
 - i) Market value
 - ii) Other value types
 - E) Economic principles
 - i) Classic economic principles
 - ii) Application and illustration of economic principles
 - F) Overview of real estate markets and analysis
 - i) Market fundamentals, characteristics and definitions
 - ii) Supply side analysis
 - iii) Demand analysis
 - iv) Use of market analysis

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- 2) Basic appraisal procedures, 30 hours.
 - A) Valuation procedures
 - i) Defining the problem
 - ii) Collecting and selecting data
 - iii) Analyzing data
 - Sales comparison approach
 - Valuation and cost approach
 - Income approach
 - iv) Reconciling and final value opinion
 - v) Writing and communicating the appraisal report
 - B) Property description
 - i) Geographic characteristics of the land/site
 - ii) Geologic characteristics of the land/site
 - iii) Neighborhood characteristics of the land/site
 - iv) Highest and best use considerations of the land/site
 - v) Improvements
- 3) Uniform Standards of Professional Appraisal Practice (USPAP) that is approved by the AQB and taught by an AQB certified instructor, 15 hours.
 - Introduction and general provisions
 - A) Standard 1
 - B) Standard 2
 - C) Standards 3 through 10
 - D) Statements and advisory opinions
- b) Examples of an acceptable State Certified Residential Real Estate Appraiser pre-licensure program and courses are:
 - 1) The instruction and courses described in subsection (a) of this Section, 75 hours.
 - 2) Appraisal approaches, 30 hours.
 - A) Comparison approach
 - i) Value principles
 - ii) Procedure
 - iii) Identification and measurement of adjustments
 - iv) Reconciliation
 - v) Case studies
 - B) Valuation and cost approach
 - i) Site valuation
 - Methods
 - Land value considerations
 - Case studies
 - ii) Cost approach

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- Concepts and definitions
- Replacement/reproduction cost
- Accrued depreciation
- Estimating accrued depreciation
- Case studies
- C) Income approach
 - i) Overview
 - ii) Estimating stabilized net operating income
 - iii) Direct capitalization
 - iv) Discounted cash flow
 - v) Partial interests
 - vi) Case studies
- 3) Appraisal statistics, valuation cores, finance, USPAP update and report writing, 15 hours.
 - A) Appraisal statistics
 - B) Valuation cores
 - C) Real estate finance
 - D) USPAP updates
 - E) Appraisal report writing
 - i) Writing and reasoning skills
 - ii) Writing problems
 - iii) Report writing and USPAP compliance
 - iv) Case studies
- c) Examples of an acceptable State Certified General Real Estate Appraiser pre-license program and courses are:
 - 1) The instruction and courses described in subsection (b) of this Section, 120 hours.
 - 2) Market analysis and highest and best use, 15 hours.
 - A) Real estate markets and analysis
 - i) Market fundamentals, characteristics and definitions
 - ii) Supply side analysis
 - iii) Demand analysis
 - iv) Use of market analysis
 - B) Highest and best use
 - i) Test constraints
 - ii) Application of highest and best use
 - iii) Special considerations
 - iv) Market analysis
 - v) Case studies
 - 3) Appraisal income approach, 15 hours.

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- A) Overview
 - B) Lease analysis
 - C) Estimating potential gross income
 - D) Vacancy and collection loss
 - E) Estimating operating expenses and reserves
 - F) Reconstructed income and expense statement
 - G) Stabilized net operating income estimate
 - H) Direct capitalization
 - I) Discounted cash flow
 - J) Yield capitalization
 - K) Partial interests
 - L) Case studies
- 4) Report writing, 15 hours.
- A) Writing and reasoning skills
 - B) Common writing problems
 - C) Report options and USPAP compliance
 - D) Case studies
- 5) Elective course, 15 hours.

Section 1455.390 Continuing Education Course Requirements of Education Providers

- a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section 1455.440 of this Subpart.
- b) Each education provider who seeks approval of a continuing education course shall submit to OBRE an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.
- c) An education provider who also offers pre-license education courses may submit pre-license courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those pre-license courses that have been approved and licensed by OBRE as continuing education courses shall be approved for continuing education credit.

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, or State Licensed Real Estate Appraiser shall include a minimum of 7 hours of coursework relative to USPAP that is approved by the AQB and taught

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by an AQB certified instructor during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:

- 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) Business courses related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) Ethics and standards of professional practice;
 - 6) Land use planning, zoning, taxation;
 - 7) Management, leasing, brokerage, timesharing;
 - 8) Property development;
 - 9) Real estate appraisal;
 - 10) Real estate law;
 - 11) Real estate litigation;
 - 12) Real estate financing and investment;
 - 13) Real estate appraisal related computer applications;
 - 14) Real estate securities and syndication; and
 - 15) Real property exchange.
- b) Continuing education credit may also be granted by OBRE for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by OBRE to be equivalent to obtaining continuing education. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to OBRE:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

Section 1455.410 Distance Education

- a) For pre-license education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, e.g., CD ROM, on-line learning, correspondence courses, video conferencing, etc.
- b) Distance education courses may be approved and licensed by OBRE if:
 - 1) the course is given by a licensed education provider;
 - 2) the education provider is approved and licensed by OBRE;
 - 3) the distance education course meets the requirements for pre-license

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- education and continuing education as provided in the Act and this Part and criteria established by the AQB;
- 4) the education provider provides a means for a student to contact an instructor to answer questions.
 - c) If the course given is for continuing education credit, the education provider shall be required to submit to OBRE, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination.
 - d) The education provider will be required to submit a policy indicating the manner in which distance education course examinations are to be taken. Examinations shall be proctored by a representative of the education provider. The policy must be approved by OBRE.

Section 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses

- a) All education provider and pre-license and continuing education course licenses shall expire on December 31 of even numbered years.
- b) Every education provider who wishes to renew his, her or its license and pre-license and continuing education course licenses shall submit to OBRE:
 - 1) an application, provided by OBRE, in which all questions have been answered;
 - 2) any course materials requested by OBRE during the renewal application process; and
 - 3) the fees as required by Section 1455.320.

Section 1455.430 Continuing Education Reporting

- a) Each licensed education provider, pursuant to Section 20-5(e) of the Act, that is approved to offer approved continuing education courses shall submit to OBRE, on or before the 15th of each month, a report of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.
 - 1) The monthly reports shall include, but not limited to, the following information for each licensee:
 - A) the licensee's name, address, social security number, and license number;
 - B) the education provider's name and license number;
 - C) the continuing education course name and license number; and
 - D) other information as required by OBRE.

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- 2) If an education provider during the preceding calendar month gave no continuing education courses, the provider shall report, on forms provided by OBRE, that no courses were given.
- 3) The monthly reports shall be submitted in a computer readable format provided and specified by OBRE.
- 4) There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by OBRE. Each monthly report submitted on paper or in a format other than a computer readable format provided and specified by OBRE shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to OBRE.
- 5) A monthly report received by OBRE with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative late fee of \$200 in addition to the fees set forth in subsection (a)(4).
- 6) If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for three consecutive months, the courses offered by that school may be disqualified pursuant to the procedures set forth in the Act and this Part until all delinquent reports, processing fees, and administrative fees as set forth in this Section have been submitted to and are received by OBRE. OBRE shall send notice to the school of an informal conference before the Real Estate Appraisal Board and of pending disqualification pursuant to the Act and this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

Section 1455.440 Transcript or Certificate of Completion

Each licensed education provider shall provide to each student who successfully completes an approved pre-license or continuing education course a certified transcript or certificate of completion within 21 days after the completion of the course. The certified transcript or certificate of completion shall include, but is not limited to, the following information: the student's name, address, social security number, and license number (if applicable); the name and license number of the education provider; the name and license number of the course; and the approved hours completed.

SUBPART I: TRANSITION PROVISIONS

Section 1455.450 Appraiser Applicants - Transition Provisions

- a) An applicant for a State Certified General Real Estate Appraiser or a State

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Certified Residential Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite hours of pre-license education from courses previously approved and licensed by OBRE, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved and licensed under, the Real Estate Appraiser Licensing Act of 2002 and this Part.

- b) An applicant for an Associate Real Estate Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite 75 hours of pre-license education from courses previously approved and licensed for a State Licensed Real Estate Appraiser, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved and licensed under, the Real Estate Appraiser Licensing Act of 2002 and this Part.

Section 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions

- a) All education providers and pre-license and continuing education courses approved and licensed with an expiration date of December 31, 2002 shall be accepted to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part at the discretion of OBRE until December 31, 2002, e.g., a pre-license course previously approved and licensed by OBRE to meet the requirements to sit for a State Licensed Real Estate Appraiser examination may be used to allow an applicant to sit for an Associate Real Estate Appraiser License.
- b) Any initial application for license as an education provider or pre-license or continuing education course submitted after July 1, 2002 shall meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.
- c) Any approved and licensed education provider with a license expiration date of December 31, 2002 may renew his, her or its license, but must meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.
- d) Any existing approved and licensed pre-license or continuing education course with an expiration date of December 31, 2002 or later shall only be approved to be renewed if the course meets the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.
- e) Any education provider who must modify or amend a pre-license or continuing education course approved under a previous Act to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part shall submit the course as if it were an initial course application.
- f) OBRE shall waive the renewal fees for a period of two years for existing approved and licensed pre-license or continuing education courses with an

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expiration date of December 31, 2002 or later and renewed pursuant to subsection (d) of this Section.

SUBPART J: HEARINGS

Section 1455.470 Applicability

- a) This Subpart shall govern contested cases as defined in Sections 1-30, 1-35 and 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/1-30, 1-35 and 10-65].
- b) This Subpart shall apply to all hearings conducted under the jurisdiction of the Office of Banks and Real Estate, Division of Real Estate Appraisal Administration (hereinafter, the Agency) and the Commissioner of the Agency. Except as otherwise provided in this Subpart, hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.

Section 1455.480 Administrative Law Judges

In any contested case, the Commissioner shall employ an attorney, licensed to practice law in Illinois, to serve as an Administrative Law Judge (ALJ). The ALJ has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The ALJ shall have all powers necessary to conduct a hearing, including the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized administrative law;
- c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- d) Rule upon offers of proof and receive relevant evidence;
- e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct prehearing conferences;
- f) Dispose of procedural requests or similar matters;
- g) Continue the hearing from time to time when necessary;
- h) Prepare for the Real Estate Appraisal Board written Findings of Fact, Conclusions of Law and Recommended Action for submission to the Assistant Commissioner.

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NOTICE OF ADOPTED RULES

Section 1455.490 Disqualification of an Administrative Law Judge

- a) Any interested party to a proceeding may, following notice and an opportunity to object, move to disqualify the assigned Administrative Law Judge on the basis of bias or conflict of interest. An adverse ruling rendered against the party or its representative in any previous matters shall not, in and of itself, constitute sufficient grounds for disqualification under this Section. The Commissioner shall determine this issue as part of the record of the case. When an ALJ is disqualified, or it becomes impractical for him/her to continue, another presiding officer may be assigned unless it is further shown that substantial bias will result from the assignment.
- b) No motion for disqualification shall be permitted after any substantive ruling has been made on the case by the ALJ, unless it pertains to a conflict of interest not previously disclosed.

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Section 1455.APPENDIX A Caption for a Case Filed by the Agency

STATE OF ILLINOIS
OFFICE OF BANKS AND REAL ESTATE
REAL ESTATE APPRAISAL ADMINISTRATION DIVISION

OFFICE OF BANKS AND REAL ESTATE)
REAL ESTATE APPRAISAL ADMINISTRATION DIVISION)
of the State of Illinois,)

Complainant)

v)

(NAME OF RESPONDENT))
(License Number),)

Respondent.)

No.

COMPLAINT

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

Section 1455.APPENDIX B Caption for a Case Filed by the Petitioner

STATE OF ILLINOIS
OFFICE OF BANKS AND REAL ESTATE
REAL ESTATE APPRAISAL ADMINISTRATION DIVISION

In RE the Petition for Restoration of)	
)	No.
)	
(NAME OF PETITIONER))	
(License Number),)	
)	
PETITIONER)	

PETITION FOR HEARING

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulatory Innovation Projects
- 2) Code Citation: 35 Ill. Adm. Code 187
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
187.200	Amendment
187.416	Amendment
- 4) Statutory Authority: Sections 52.3-1, 52.3-2, 52.3-3, 52.3-4 of the Illinois Environmental Protection Act, [415 ILCS 5/52.3-1, 52.3-2, 52.3-3, 52.3-4]
- 5) Effective Date of Amendments: November 27, 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 any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 12, 2002, 26 Ill. Reg. 5295
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Correction of citation from "5/52.3" to "5/52.3-1, 52.3-2, 52.3-3, 52.3-4" in authority note for Part 187.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes are required.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Part 187 sets forth a voluntary pilot program by which the Agency may enter into Environmental Management System Agreements with members of the regulated community to implement innovative environmental measures not otherwise recognized or allowed under existing laws and regulations. The amendments eliminate the termination date for the Agency's authority to enter into such agreements and

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

allow for renewal of agreements for appropriate time periods rather than for a set 5-year term. These amendments were proposed following recent statutory changes.

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

Judith S. Dyer
Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield IL 62794-9276
217/782-5544

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 187
REGULATORY INNOVATION PROJECTS

SUBPART A: PURPOSE; DEFINITIONS AND GENERAL PROVISIONS

Section

- 187.100 Purpose
- 187.102 Definitions
- 187.104 Relation to Other Rules and Regulatory Innovation Programs
- 187.106 Public Access to Pilot Program Correspondence
- 187.108 Confidential Business and Trade Secret Information

SUBPART B: PARTICIPATION IN PILOT PROGRAM

Section

- 187.200 Nature and Duration of Pilot Program
- 187.202 Eligibility for Participation

SUBPART C: STAKEHOLDER INVOLVEMENT

Section

- 187.300 Stakeholder Involvement
- 187.302 Stakeholder Group, Members
- 187.304 Sponsor Obligations

SUBPART D: PROCEDURES

Section

- 187.400 Letter of Intent; Agency Response
- 187.402 Development of an EMSA
- 187.404 Public Notice, Comment and Hearing
- 187.406 Criteria for Approval of an EMSA
- 187.408 Execution of an EMSA
- 187.410 Performance Assurance
- 187.412 Modification of an EMSA
- 187.414 Termination of an EMSA

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

187.416 Renewal of an EMSA

AUTHORITY: Implementing and authorized by Section 52.3 of the Environmental Protection Act [415 ILCS 5/52.3].

SOURCE: Adopted at 22 Ill. Reg. 6217, effective March 20, 1998; amended at 26 Ill. Reg. 17734, effective November 27, 2002.

SUBPART B: PARTICIPATION IN PILOT PROGRAM

Section 187.200 Nature and Duration of Pilot Program

- a) It is within the sole discretion of the Agency to enter into an EMSA under this Part.
- b) The Agency may reject a proposed pilot project at any time prior to execution of an EMSA, and any decision by the Agency to reject a proposed pilot project is not appealable. (See Section 52.3-1(c) of the Act.)
- c) ~~An initial EMSA-EMSA~~s under this Part ~~must be initially executed on or before December 31, 2001, and~~ shall be for a term not to exceed 5 years. An EMSA ~~executed on or before December 31, 2001,~~ may, in the Agency's discretion, be renewed for additional appropriate time periods ~~not to exceed 5 years per renewal~~.

(Source: Amended at 26 Ill. Reg. 17734, effective November 27, 2002)

SUBPART D: PROCEDURES

Section 187.416 Renewal of an EMSA

- a) ~~The Agency's authority to execute initial EMSAs under the Act and this Part shall expire on December 31, 2001.~~ An initial agreement may be renewed for additional appropriate periods ~~of up to 5 years after December 31, 2001,~~ if the Agency finds the EMSA continues to meet applicable requirements and the purposes of Section 52.3-1 of the Act.
- b) In determining whether to renew an EMSA ~~initially executed prior to December 31, 2001,~~ the Agency shall consider all relevant factors, including but not limited to:
 - 1) The environmental, regulatory and economic results of the pilot project during the initial term of the EMSA;
 - 2) The likelihood that renewal of the EMSA will advance the purposes of Section 52.3-1 of the Act; and
 - 3) Stakeholder satisfaction with the pilot project.
- c) It shall be within the sole discretion of the Agency to renew an EMSA **initially**

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~executed prior to December 31, 2001,~~ and its decision shall not be appealable. A sponsor may request that the Agency hold a public hearing on its decision to deny a renewal application, to be held at the sponsor's sole cost and expense; however, it is within the sole discretion of the Agency to hold a hearing on the denial of a renewal application.

- d) Prior to renewing an EMSA under this Section, the Agency shall comply with the public notice, comment and hearing provisions of Section 187.404 of this Part.
- e) A sponsor requesting to renew an EMSA shall submit its renewal application to the Agency no later than 6 months prior to the expiration of the initial EMSA. The Agency shall have 60 days after receipt to accept or reject a renewal application. The Agency's failure to notify an applicant that it has accepted a renewal application shall be deemed a rejection of the renewal application. If the Agency rejects the renewal application, the pilot project and its owner or operator shall be in compliance with all environmental laws, regulations and ordinances applicable to the pilot project and its owner or operator within 6 months after expiration of the initial EMSA.

(Source: Amended at 26 Ill. Reg. 17734, effective November 27, 2002)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Administrative Hearings
- 2) Code Citation: 32 Ill. Adm. Code 200
- 3) Section Number: 200.20 Adopted Action: Amended
- 4) Statutory Authority: Implementing Sections 8.2, 9 and 11 and authorized by Section 6 of the Radiation Protection Act of 1990 [420 ILCS 40/6, 8.2, 9 and 11].
- 5) Effective Date of Amendment: December 2, 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 amendment, including any material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: July 26, 2002 (26 Ill. Reg. 11333)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:
 - a) In the Table of Contents, Section 200.40, strike "Forms" and add "Form".
 - b) In the Table of Contents, Section 200.130 strike "Hearings" and add "Hearing".
- 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 this amendment replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment will change the text in Section 200.20(a) of this Part to be consistent with the statutory language in Section 18 of the Radiation Protection Act of 1990.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

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

Laura Stolpman
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)

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

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER a: ADMINISTRATIVE HEARING RULES

PART 200

ADMINISTRATIVE HEARINGS

Section	
200.10	Scope and Nature of Rules
200.20	Appearance – Right to Counsel
200.30	Parties
200.40	Form Forms -of Papers
200.50	Notice, Service and Proof of Service
200.60	Preliminary Order and Notice of Opportunity for Hearing
200.70	Right to Hearing
200.80	Motions
200.90	Continuances
200.100	Hearing Officer
200.110	Ex Parte Consultation
200.120	Informal Conferences
200.130	Conduct of Hearing Hearings
200.140	Amendments
200.150	Burden of Proof
200.160	Witnesses at Hearings
200.170	Evidence at Hearings
200.180	Cross Examination
200.190	Official Notice
200.200	Default
200.210	Hearing Record
200.220	Hearing Officer's Report
200.230	Final Decision of the Director

AUTHORITY: Implementing Sections 8.2, 9 and 11 and authorized by Section 6 of the Radiation Protection Act [420 ILCS 40/8.2, 9 and 11].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 7 Ill. Reg. 9306, effective July 22, 1983; codified at 7 Ill. Reg. 16404; amended at 10 Ill. Reg. 17200, effective September 25, 1986; amended at 26 Ill. Reg. 17739, effective December 2, 2002.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

Section 200.20 Appearance – Right to Counsel

- a) ~~*The Department shall allow only attorneys licensed and registered to practice in this State to appear before it in administrative hearings, except that a natural person may appear on his or her own behalf. [420 ILCS 40/18] Any party to a proceeding before the Department may appear as follows:*~~
- ~~1) A natural person may appear in his/her own behalf or by an attorney licensed and registered to practice in the State of Illinois.~~
 - ~~2) Any other person may appear through any bona fide officer, employee, or by an attorney licensed and registered to practice in the State of Illinois.~~
- b) Each party to a proceeding before the Department shall inform the Department in writing of the name and address to which any notice or other document should be served upon the party to such proceeding.
- c) All persons appearing in proceedings before the Department shall conform to the standards of conduct of attorneys before the courts of the State of Illinois [RPC Rule 3.3] ~~(Ill. Rev. Stat. 1985, ch. 110A, Rule 7-106)~~. If a person fails to conform to these standards, and such failure delays or disrupts the proceeding, the Department or the hearing officer shall have the authority to prohibit such person from appearing in the proceeding.

(Source: Amended at 26 Ill. Reg. 17739, effective December 2, 2002)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

160 to comply with federal requirements for use of the NMSN to enforce medical insurance coverage in Title IV-D child support cases.

- 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 a: GENERAL PROVISIONSPART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

- 104.200 Applicability
- 104.202 Definitions
- 104.204 Notice of Denial of An Application
- 104.206 Notice of Intent to Recover Money
- 104.207 Notice of Contested Paternity Hearing
- 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
- 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
- 104.210 Right to Hearing
- 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
- 104.212 Prior Factual Determinations
- 104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
- 104.215 Notice of Formal Conference
- 104.216 Formal Conference on Recovery of Money
- 104.217 Purpose of Formal Conference
- 104.220 Notice of Hearing
- 104.221 Issues at Hearings
- 104.225 Legal Counsel
- 104.226 Appearance of Attorney or Other Representative
- 104.230 Notice, Service and Proof of Service
- 104.231 Form of Papers
- 104.235 Discovery
- 104.240 Conduct of Hearings
- 104.241 Amendments
- 104.242 Motions
- 104.243 Subpoenas
- 104.244 Burden of Proof
- 104.245 Witness at Hearings
- 104.246 Evidence at Hearings
- 104.247 Cross-Examination
- 104.248 Disqualification of Hearing Officers

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.101 Petition for Hearing

- a) Any client or responsible relative aggrieved by an administrative support order entered, or any responsible relative aggrieved by a determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days after the date of mailing of such order or determination. The day immediately subsequent to the mailing of the order or determination shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.
- c) Any responsible relative in a case with an administrative support order may petition the Department for a hearing to contest withholding, or to correct a term contained in an income withholding notice or a National Medical Support Notice or to modify, suspend or terminate an income withholding notice or a National Medical Support Notice for the reasons provided in 89 Ill. Adm. Code 160.75(d), (e) and (j).
- d) The petition to modify, suspend, terminate, or correct a term contained in an income withholding notice may be filed at any time and the petition to contest withholding or the National Medical Support Notice, shall be filed within 20 days after the date of service of the copy of the income withholding notice or the National Medical Support Notice upon the responsible relative. The day immediately subsequent to the day of service of the copy of the notice shall be considered as the first day; and the day such petition is received by the Department shall be considered as the last day in computing the 20 day appeal period.
- e) The Department shall, upon receipt of a petition, provide for a hearing to be held, except as provided in Section 104.103(b).

(Source: Amended at 26 Ill. Reg. 17743, effective November 27, 2002)

Section 104.104 Conduct of Other Hearings

- a) Hearings on petitions to contest withholding, or to modify, suspend, terminate, or

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

correct a term contained in an administrative income withholding notice or an administrative National Medical Support Notice, shall be governed by Section 104.102, except that subsections (a)(2) and (c) shall not apply, and the following terms as used therein are redefined:

- 1) "administrative support order" shall mean an administrative income withholding notice or an administrative National Medical Support Notice.
 - 2) "liability" shall mean the accuracy of the income withholding notice or the National Medical Support Notice, or the accuracy of the delinquency amount stated in the income withholding notice based upon the administrative support order, or the force and effect to be given to such income withholding notice, each as referred to for judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e) and (j), or for judicial National Medical Support Notices under 89 Ill. Adm. Code 160.75(m).
- b) The Department shall limit any relief granted to the types of relief authorized for use within judicial orders for withholding in 89 Ill. Adm. Code 160.75(d), (e) and (j), and for judicial National Medical Support Notices under 89 Ill. Adm. Code 160.75(m).

(Source: Amended at 26 Ill. Reg. 17743, effective November 27, 2002)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

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

140.402	<u>Adopted Action:</u>
140.445	Amendment
140.481	Amendment
140.492	Amendment
140.493	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 92-0597
- 5) Effective Date of Amendments: November 27, 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: July 19, 2002 (26 Ill. Reg. 11210)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:
No substantive changes have been made to 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 emergency amendments 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>
140.3	Amendment	October 18, 2002 (26 Ill. Reg. 14948)
140.13	Amendment	September 13, 2002 (26 Ill. Reg. 13450)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

140.21	Amendment	October 18, 2002 (26 Ill. Reg. 14948)
140.24	Amendment	September 13, 2002 (26 Ill. Reg. 13450)
140.71	Amendment	August 16, 2002 (26 Ill. Reg. 12545)
140.450	Amendment	June 7, 2002 (26 Ill. Reg. 8243)
140.523	Amendment	July 12, 2002 (26 Ill. Reg. 10243)
140.530	Amendment	August 30, 2002 (26 Ill. Reg. 13026)
140.860	Amendment	September 6, 2002 (26 Ill. Reg. 13146)

- 15) Summary and Purpose of Amendments: These amendments provide fiscal year 2003 budget implementation changes which decrease reimbursement levels for several noninstitutional medical services. The amendments affect copayment levels for billed office visits and billed drug prescriptions; rates for generic and brand name prescription drugs; pharmacy dispensing fees for generic and brand name drugs; payment for medical equipment and supplies, prosthetic devices and hearing aids; and payment for medical transportation services.

These changes are expected to result in the following spending decreases:

Medical equipment and supplies - \$4 million
Transportation services - \$4 million
Prescription drugs - \$30 million
Copayments, noninstitutional providers and drugs - \$12 million

- 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 AMENEDMENTS

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 AMENEDMENTS

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 AMENEDMENTS

- 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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

- 140.452 Mental Health Clinic Services
- 140.453 Definitions
- 140.454 Types of Mental Health Clinic Services
- 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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENEDMENTS

140.532	Health Care Costs
140.533	General Administration Costs
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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

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

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11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 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;

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emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; 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.

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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. 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,

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1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 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

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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, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.402 Copayments for Noninstitutional Medical Services

- a) ~~Effective July 1, 2002, each~~ ~~Each~~ recipient, with the exception of those classes of recipients identified in subsection (d) of this Section, may be required to pay ~~the following specified copayment for noninstitutional medical services~~ the following specified copayment for noninstitutional medical services ~~a \$1.00 copayment for:~~
- 1) Each office visit to a chiropractor, podiatrist, optometrist, or a physician licensed to practice medicine in all its branches billed to the Department, with the exception of those office visits for services identified in subsection (e) of this Section, ~~may require a copayment of \$2.00.~~
 - 2) Each ~~brand name legend drug prescription (legend drugs)~~ billed to the Department, with the exception of drugs identified in subsection (e) of this Section, ~~may require a copayment of \$3.00.~~
 - 3) Each generic legend drug billed to the Department, with the exception of drugs identified in subsection (e) of this Section, may require a copayment of \$1.00.
- b) In each instance where a copayment is payable, the Department will reduce ~~by \$1.00~~ the amount payable to the affected provider by the respective amount of the required copayment.
- c) No provider of services listed in subsection (a) of this Section may deny service to an individual who is eligible for service on account of the individual's inability to pay the cost of a copayment.
- d) The following individuals receiving medical assistance are exempt from the copayment requirement set forth in subsection (a) of this Section:
- 1) Pregnant women, including a postpartum period of 60 days.
 - 2) Children under 19 years of age.

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- 3) All noninstitutionalized individuals whose care is subsidized by the Department of Children and Family Services or the Department of Corrections.
- 4) Hospice patients.
- 5) Individuals residing in hospitals, nursing facilities, and intermediate care facilities for the mentally retarded.
- 6) Residents of a State-certified, State-licensed, or State-contracted residential care program where residents, as a condition of receiving care in that program, are required to pay all of their income, except an authorized protected amount for personal use, for the cost of their residential care program. For the purpose of this subsection (d)(6), the protected amount shall be no greater than the protected amount authorized for personal use under 89 Ill. Adm. Code 146.225(c).
- e) The following medical services are exempt from any copayments:
 - 1) Renal dialysis treatment.
 - 2) Radiation therapy.
 - 3) Cancer chemotherapy.
 - 4) Use of insulin.
 - 5) Services for which Medicare is the primary payer.
 - 6) Over-the-counter drugs.
 - 7) Emergency services as defined at 42 CFR 447.53(b)(4).
 - 8) Any pharmacy compounded drugs.
 - 9) Any prescription (legend drug) dispensed or administered by a hospital, clinic or physician.
 - 10) Family planning services.
 - 11) Other therapeutic drug classes as specified by the Department.

(Source: Amended at 26 Ill. Reg. 17751, effective November 27, 2002)

Section 140.445 Legend Prescription Items (Not Compounded)

For legend (prescription) drugs, the Department shall pay the lower of:

- a) the pharmacy's prevailing charge to the general public; or
- b) the Department's maximum price plus the established dispensing fee of ~~\$5.10~~ \$4.60 for generic drugs and ~~\$3.40~~ \$4.00 for brand name drugs.
 - 1) For generic drugs, the Department's maximum price is calculated as the lowest of:
 - A) the average wholesale price minus ~~25~~ 20 percent; or
 - B) the Federal Upper Limit for drugs that have been evaluated as therapeutically equivalent in the Food and Drug Administration's

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- publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations; or
- C) the State Upper Limit for drugs listed in the Illinois Formulary for the Drug Product Selection Program and not having an established Federal Upper Limit at the time of listing; or
 - D) the average wholesale price for drugs where that price is based upon the actual market wholesale price.
- 2) For brand name drugs, the Department's maximum price is calculated as the lower of:
- A) the average wholesale price minus 12 ~~14~~ percent; or
 - B) the average wholesale price for drugs where that price is based upon the actual market wholesale price.

(Source: Amended at 26 Ill. Reg. 17751, effective November 27, 2002)

Section 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids

- a) Notwithstanding the provisions set forth in this Section, for the period of July 1, 2002, through June 30, 2003, the reimbursement rates paid for medical equipment, supplies, prosthetic devices and hearing aids shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section.
- ba) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established by the Department for each item of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. The maximum allowable rate established for each item or service shall be the least of:
 - 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
 - 2) ~~The Whenever available, the~~ wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) ~~The Whenever available, the~~ Medicare allowable rate for covered Medicare items or services.

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- ~~c~~b) Medical supplies are medical items which are not durable or reusable such as surgical dressings, disposable syringes, catheters, urinary bags, etc. Payment for medical supplies is made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection ~~(b)~~ (a) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
 - 2) ~~The Whenever available, the~~ wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) ~~The Whenever available, the~~ Medicare allowable rate for covered Medicare items or services.
- ~~d~~e) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted quality items as defined in subsection ~~(b)~~ (a) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
 - 2) ~~The Whenever available, the~~ wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) ~~The Whenever possible, the~~ Medicare allowable rate for covered Medicare items or services.
- ~~e~~f) Payment for hearing aids shall be made at the lesser of the provider's charge or the maximum allowable rate established by the Department to allow dispensing of hearing aids for specific needs. The hearing aid shall be priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing ~~aids~~ aid(s). Any discounts,

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rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached to the request for reimbursement. In addition to payment for the acquisition cost, the Department will pay a dispensing fee. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail ~~mark-up markup~~. The Department shall review and update the maximum allowable rate at least annually.

- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
- 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail ~~mark-up markup~~, determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.

(Source: Amended at 26 Ill. Reg. 17751, effective November 27, 2002)

Section 140.492 Payment for Medical Transportation

Notwithstanding the provisions set forth in this Section, for the period of July 1, 2002, through June 30, 2003, the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) Medicars shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate, which includes the first ten miles (20 miles

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round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

- c) Private autos shall be paid for loaded miles at a mileage rate.
- d) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- e) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for a non-employee attendant.
- f) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for a non-employee attendant. The Department rate shall be reviewed on an annual basis each July.
- g) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (ge)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.
 - 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent.
 - 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance travelled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
 - 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

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- 4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
- h) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded mileage rate.

(Source: Amended at 26 Ill. Reg. 17751, effective November 27, 2002)

Section 140.493 Payment for Helicopter Transportation

Notwithstanding the provisions set forth in this Section, for the period of July 1, 2002, through June 30, 2003, the reimbursement rates paid for helicopter transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Payment for helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public. The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491(b)(4) at an all inclusive rate that includes base rate, mileage, supplies and all other services.

- a) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less.
- b) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital and the helicopter provider.
- c) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.
- d) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.
- e) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491(b)(1)), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.

(Source: Amended at 26 Ill. Reg. 17751, effective November 27, 2002)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.126	New Section
148.140	Amendment
148.296	Amendment
148.297	Amendment
148.298	Amendment
148.310	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 27, 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: July 12, 2002 (26 Ill. Reg. 10262)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 148.126

Subsection (c)(3)(B) has been revised as follows:

- B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds—\$20.00.
 - ii) Fewer than 150 licensed beds—\$40.00.

Section 148.140

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In subsection (b)(1)(E), the cross-reference to Section 148.40(d)(2) had been changed to Section 148.40(d)(1).

Section 148.295

Section 148.295 was withdrawn from the 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 these amendments replace any emergency amendments 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>
148.105	New Section	August 30, 2002 (26 Ill. Reg. 13046)
148.115	New Section	August 30, 2002 (26 Ill. Reg. 13046)
148.126	Amendment	December 2, 2002 (26 Ill. Reg. 17143)
148.295	Amendment	August 30, 2002 (26 Ill. Reg. 13046)
148.310	Amendment	August 30, 2002 (26 Ill. Reg. 13046)

- 15) Summary and Purpose of Amendments:

The amendments provide fiscal year 2003 budget implementation changes that affect specified inpatient and outpatient hospital services. The changes reinstate Tertiary Care Adjustment Payments, which were eliminated on January 1, 2002, provide for the continuation of Safety Net Adjustment Payments and restore certain fiscal year 2002 reimbursement decreases affecting hospital services. These reimbursement increases for hospital services reestablish some of the funding that was reduced during fiscal year 2002 and are intended to thereby mitigate the overall impact of recent hospital budgetary reductions.

The outpatient service areas affected are surgical, diagnostic and therapeutic, observation, psychiatric, rehabilitation and emergency room. Outpatient rate changes will be flat rate increases with the exception of county-owned hospitals in Illinois counties having populations greater than 3,000,000. For such hospitals, the increase is the indicated flat rate multiplied by 2.72. This multiplier is intended to particularly assist high-Medicaid volume hospitals.

The changes will result in the following spending increases:

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Safety Net Adjustment Payments (Section 148.126) - \$22.5 million
Outpatient Services (Section 148.140) - \$55.2 million
Tertiary Care Adjustment Payments (Section 148.296) - \$32.3 million
Pediatric Outpatient Adjustment Payments (Section 148.297) - \$1.4 million
Pediatric Inpatient Adjustment Payments (Section 148.298) - \$0.9 million

- 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:

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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
<u>148.126</u>	<u>Safety Net Adjustment Payments</u>
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

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- 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

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148.600	Definitions
148.610	Scope of the Program
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, 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

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days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, 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; emergency

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amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
 - 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
 - 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).
- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4) of this Section:
- 1) Hospitals located outside of Illinois.
 - 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
 - 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
 - 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).
- c) Safety Net Adjustment Rates
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it

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qualifies:

- A) A qualifying hospital – \$15.00.
- B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
- C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
- D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
 - i) Located within HSA 6 or HSA 7 – \$80.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
 - i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – \$92.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located in HSA 6 and that:
 - i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.
 - v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:

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- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
 - 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be \$123.00.
 - 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$40.00.
 - B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
 - 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
 - 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
 - A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- d) Payment to a Qualifying Hospital
 - 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) The total annual adjustment amount shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.
- e) Definitions
 - 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
 - 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1,

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- 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (f)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
 - 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
 - 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
 - 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.
 - 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
 - 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (f)(7) of this Section.
 - 9) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
 - 10) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
 - 11) "Total admissions" means, for a given hospital, the number of hospital

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inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

- 12) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Added at 26 Ill. Reg. 17775, effective November 27, 2002)

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
- 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
 - A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.
 - B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
 - 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

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- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
 - 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
 - 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
 - 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.
- b) Ambulatory Procedure Listing (APL)
Effective July 1, ~~2002~~1998, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.
- 1) APL Groupings

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Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

- A) Surgical Groups
- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this procedure shall be \$1,794.00.
 - ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this procedure shall be \$1,049.00.
 - iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this procedure shall be \$752.00
 - iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. The rate for this procedure shall be \$287.00.
- B) Diagnostic and Therapeutic Groups
- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this procedure shall be \$941.00.
 - ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b)

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- procedures typically include radiological consultation or a diagnostic study. The rate for this procedure shall be \$304.00.
- iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure shall be \$176.00.
- iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure shall be \$136.00.
- C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described below. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.
- i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be \$181.00.
- ii) Emergency Level II refers to Emergency Services that do not meet the above definition of Emergency Level I care, but that are provided in the hospital emergency department

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for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be \$67.00.

- iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated above. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be \$26.00.

- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be \$74.00;
- ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be \$222.00; or;
- iii) for at least 12 hours and 31 minutes or more of services, the rate shall be \$443.00.

- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(12). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

- i) The rate for Type A psychiatric clinic services shall be \$68.00.
- ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- iii) The rate for Type B psychiatric clinic services shall be \$101.00.

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- iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide ~~outpatient inpatient~~ physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
- ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.
- iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
- i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
- ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
- B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code

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102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

- C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
- i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;
 - ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.
- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00 specified by the Department. However, such rates shall be no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed above.
- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate

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reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified below, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims which resulted in a zero payment by the Department. A one-time amount of:
 - A) \$27.75 will be paid for each services for procedure code W7183 (Psychiatric clinic Type A for adults).
 - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
 - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- 5) County Facility Outpatient Adjustment
 - A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as

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follows:

- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.
 - ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
 - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) No Year-End Reconciliation
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).
- 7) Rate Adjustments
With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in

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the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
 - 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as

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follows:

- A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
- 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement
 - 1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
 - A) Base Rate. The per encounter base rate shall be calculated as follows:
 - i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
 - iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
 - B) Supplemental Rate

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- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.
 - iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.
 - C) Final Rate
 - i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
 - ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
 - iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.
- 2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

 - A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - C) The final rate described in subsection (d)(1)(C) of this Section

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shall be no less than \$147.09 per encounter.

- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
 - 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
 - A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 - B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 - C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 - D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 - E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
 - 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

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- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Amended at 26 Ill. Reg. 17775, effective November 27, 2002)

Section 148.296 Tertiary Care Adjustment Payments

Tertiary Care Adjustment Payments shall be made to all eligible hospitals, excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after ~~July 1, 2002~~ April 1, 2001, in accordance with this Section. ~~The provisions described in this Section will be effective through December 31, 2001.~~

- a) Definitions. The definitions of terms used with reference to calculation of payments under this Section are as follows:
 - 1) "Base Period Claims" means claims for inpatient hospital services with dates of service occurring in the Tertiary Adjustment Base Period that were subsequently adjudicated by the Department through December 31, 1999. For a general care hospital that includes a facility devoted exclusively to caring for children and that was separately licensed as a hospital by a municipality before September 30, 1998, Base Period Claims for services that may, in 89 Ill. Adm. Code 149.50(c)(3), be billed by a children's hospital shall be attributed exclusively to the children's facility. Base Period Claims shall exclude the following types:
 - A) Claims for which Medicare was liable in part or in full ("cross-over" claims);
 - B) Claims for transplantation services that were paid by the Department via form C-13, Invoice Voucher; and
 - C) Claims for services billed for exceptional care services as described in Section 148.50(c)(2)(A) and (B).
 - 2) "Case Mix Index" (CMI), for a given hospital, means the sum of all

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- Diagnosis Related Grouping (DRG) (see 89 Ill. Adm. Code 149) weighting factors for Base Period Claims divided by the total number of claims included in the sum, but excluding claims:
- A) Reimbursed under a per diem rate methodology; and
 - B) For Delivery or Newborn Care.
- 3) "Case Mix Adjustment Factor" (CMAF) means the following:
- A) For qualifying hospitals located in Illinois that, for Base Period Claims, had a CMI that is greater than the mean:
 - i) CMI of all Illinois cost-reporting hospitals, but less than that mean plus a one standard deviation above the mean, the CMAF shall be equal to 0.040;
 - ii) CMI plus one standard deviation above the mean of all Illinois cost reporting hospitals, but less than that mean plus two standard deviations above the mean, the CMAF shall be equal to 0.250;
 - iii) CMI plus two standard deviations above the mean of all Illinois cost reporting hospitals, the CMAF shall be equal to 0.300.
 - B) For qualifying hospitals located outside of Illinois that, for Base Period Claims, had a CMI that is greater than the mean:
 - i) CMI of all out-of-state cost reporting hospitals, but less than that mean plus a one standard deviation above the mean, the CMAF shall be equal to 0.020;
 - ii) CMI plus one standard deviation above the mean of all out-of-state cost reporting hospitals, but less than that mean plus two standard deviations above the mean, the CMAF shall be equal to 0.125;
 - iii) CMI plus two standard deviations above the mean of all out-of-state cost reporting hospitals, the CMAF shall be equal to 0.150.
- 4) "Delivery or Newborn Care" means inpatient hospital care, the claim for which was assigned by the Department to DRGs 370 through 375, 385 through 387, 389, 391 and 985 through 989.
- 5) "Tertiary Adjustment Base Period" means calendar year 1998.
- 6) "Tertiary Care Adjustment Rate Period" means, for fiscal year 2001, the three-month period beginning April 1, 2001, and for each subsequent fiscal year, the twelve-month period beginning July 1.
- b) Case Mix Adjustment
The Department shall make a Case Mix Adjustment to certain hospitals, as defined in this subsection (b).

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- 1) **Qualifying Hospital.** A hospital meeting both of the following criteria shall qualify for this payment:
 - A) A hospital that had 100 or more Qualified Admissions; and
 - B) For a hospital located:
 - i) in Illinois, has a CMI greater than or equal to the mean CMI for Illinois hospitals; or
 - ii) outside of Illinois, has a CMI greater than or equal to the mean CMI for out-of-state cost-reporting hospitals.
 - 2) **Qualified Admission.** For the purposes of this subsection (b), "Qualified Admission" shall mean a Base Period Claim excluding a claim:
 - A) Reimbursed under a per diem rate methodology; and
 - B) For Delivery or Newborn Care.
 - 3) **Case Mix Adjustment.** Each Qualifying Hospital will receive a payment equal to the product of:
 - A) The product of the hospital's:
 - i) number of Qualified Admissions; and
 - ii) CMAF; and
 - B) The sum of the hospital's:
 - i) rate for capital related costs in effect on July 1, 2000; and
 - ii) the product of the hospital's CMI raised to the second power and the DRG PPS (Prospective Payment System) (see 89 Ill. Adm. Code 149) rate per discharge in effect on July 1, 2000.
- c) **DRG Adjustment**
The Department shall make a DRG Adjustment to certain hospitals, as defined in this subsection (c).
- 1) **Qualifying Hospital.** A hospital that, during the Tertiary Adjustment Base Period, had at least one Qualified Admission shall qualify for this payment.
 - 2) **Qualified Admission.** For the purposes of this subsection (c), "Qualified Admission" means a Base Period Claim that was:
 - A) Assigned by the Department to a DRG that:
 - i) had been assigned a weighting factor greater than 3.2000; and
 - ii) for which fewer than 200 Base Period Claims were adjudicated by the Department; and
 - B) Not a claim:
 - i) reimbursed under a per diem rate methodology;
 - ii) for Delivery or Newborn Care; or
 - iii) for a patient transferred to another facility as described at

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89 Ill. Adm. Code 149.25(b)(2).

- 3) DRG Adjustment Rates. For each Qualified Admission, a Qualifying Hospital will receive a payment equal to the product of:
 - A) The hospital's DRG PPS rate per discharge in effect on July 1, 2000; and
 - B) The weighting factor assigned to the DRG to which the Qualified Admission was assigned by the Department; and
 - C) The constant 1.400.
- d) Children's Hospital Adjustment
The Department shall make a Children's Hospital Adjustment to certain hospitals, as defined in this subsection (d).
 - 1) Qualifying Hospital. A children's hospital, as defined at 89 Ill. Adm. Code 149.50(c)(3), shall qualify for this payment.
 - 2) Qualified Days. For the purposes of this subsection (d), "Qualified Day" means a day of care that was provided in a Base Period Claim, excluding a claim:
 - A) For Delivery or Newborn Care;
 - B) Assigned by the Department to a DRG with an assigned weighting factor that is less than 1.0000; or
 - C) For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).
 - 3) Children's Hospital Adjustment. A Qualifying Hospital shall receive a payment equal to the product of:
 - A) The sum of Qualified Days from the hospital's Base Period Claims; and
 - B) For Illinois hospitals with:
 - i) more than 5,000 Qualified Days, \$670.00; or
 - ii) 5,000 or fewer Qualified Days, \$300.00.
 - C) For out of state hospitals with:
 - i) more than 1,000 Qualified Days, \$670.00; or
 - ii) 1,000 or fewer Qualified Days, \$300.00.
- e) Primary Care Adjustment
The Department shall make a Primary Care Adjustment to certain hospitals, as defined in this subsection (e).
 - 1) Qualifying Hospital. A hospital located in Illinois that has at least one Qualifying Resident shall qualify for this payment.
 - 2) Qualifying Residents. For purposes of this subsection (e), "Qualifying Residents" means the number of primary care residents, as reported on form HCFA 2552-96, Worksheet E-3, Part IV, line 1, column 1, for

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- hospital fiscal years ending September 30, 1997, through September 29, 1998), used in the fiscal year 2002 Tertiary Care Adjustment Rate Period.
- 3) Qualified Admission. For the purposes of this subsection (e), "Qualified Admission" shall mean a Base Period Claim excluding a claim:
 - A) For hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b) and reimbursed under a per diem rate methodology; and
 - B) For Delivery or Newborn Care.
 - 4) Primary Care Adjustment. A Qualifying Hospital will receive a payment equal to the product of:
 - A) The number of Qualifying Admissions during the Tertiary Adjustment Base Period;
 - B) \$4,675.00; and
 - C) The quotient of:
 - i) the number of Qualifying Residents,
 - ii) divided by the number of Qualifying Admissions.
- f) Long Term Stay Hospital Adjustment
The Department shall make a Long Term Stay Hospital Adjustment to certain hospitals, as defined in this subsection (f).
- 1) Qualifying Hospital. A long term stay hospital, as defined at 89 Ill. Adm. Code 149.50(c)(4), that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals, shall qualify for this payment.
 - 2) Qualified Days. For the purposes of this subsection (f), "Qualified Day" means a day of care that was provided in a Base Period Claim, excluding claims for hospital inpatient psychiatric services as described at Section 148.40(a) or hospital inpatient physical rehabilitation services as described at Section 148.40(b).
 - 3) Long Term Stay Hospital Adjustment Rates. A Qualifying Hospital will receive payments equal to the product of:
 - A) The number of Qualified Days from all Base Period Claims; and
 - B) A constant that:
 - i) for a hospital that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals plus one standard deviation above the mean, \$300.00; or
 - ii) for a hospital that had a CMI that was greater than or equal to the mean CMI for all long term stay hospitals, but less than one standard deviation above that mean, \$5.00.
- g) Rehabilitation Hospital Adjustment
The Department shall make a Rehabilitation Hospital Adjustment to certain

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hospitals as defined in this subsection (g).

- 1) Qualifying Hospital. A hospital that qualifies for the Rehabilitation Hospital Adjustment under the Critical Hospital Adjustment Payments (CHAP) program, as defined in Section 148.295(b), shall qualify for this payment.
 - 2) Qualified Admission. For the purposes of this subsection (g), "Qualified Admission" shall mean a Medicaid level I rehabilitation admission in the CHAP rate period, as defined in Section 148.295, for fiscal year 2001.
 - 3) Rehabilitation Hospital Adjustment. A Qualifying Hospital shall receive payment as follows:
 - A) For a hospital that had fewer than 60 Qualified Admissions, \$100,000.00.
 - B) For a hospital that had 60 or more Qualified Admissions, \$350,000.00.
- h) Tertiary Care Adjustment
- 1) The total annual adjustment to an eligible hospital shall be the sum of the adjustments for which the hospital qualifies under subsections (a) through (g) of this Section multiplied by 0.455.
 - 2) A total annual adjustment amount shall be paid to the hospital during the Tertiary Care Adjustment Rate Period in installments on, at least, a quarterly basis.
 - 3) ~~For fiscal year 2001 only, one-fourth of the total annual adjustment amount determined under this Section shall be paid during the fiscal year 2001 Tertiary Care Adjustment Rate Period.~~

(Source: Amended at 26 Ill. Reg. 17775, effective November 27, 2002)

Section 148.297 Pediatric Outpatient Adjustment Payments

Pediatric Outpatient Adjustment Payments shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for outpatient services occurring on or after July 1, 1998, in accordance with this Section. ~~The provisions described in this Section will be effective through June 30, 2002.~~

- a) To qualify for payments under this Section, a hospital must:
 - 1) be a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), and
 - 2) have a Pediatric Medicaid Outpatient Percentage greater than 80 percent during the Pediatric Outpatient Adjustment Base Period.
- b) ~~Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on~~

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~~or after July 1, 1998, but before January 1, 1999:~~

- 1) ~~For hospitals with a Medicaid Inpatient Utilization Rate (MIUR) that is less than 75 percent, the product of:~~
 - A) ~~the hospital's MIUR plus one, multiplied by~~
 - B) ~~the number of Pediatric Adjustable Outpatient Services, multiplied by~~
 - C) ~~\$185.~~
- 2) ~~For hospitals with an MIUR that is greater than or equal to 75 percent, the product of:~~
 - A) ~~one and one-half the hospital's MIUR plus one, multiplied by~~
 - B) ~~the number of Pediatric Adjustable Outpatient Services, multiplied by~~
 - C) ~~\$185.~~

be) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on or after ~~July~~January 1, 1999:

- 1) For out-of-state cost reporting hospitals with an MIUR that is less than 75 percent, the product of:
 - A) ~~for dates of services occurring on or after January 1, 1999, but before July 1, 1999:~~
 - i) ~~the hospital's MIUR plus 1.3, multiplied by~~
 - ii) ~~the number of Pediatric Adjustable Outpatient Services, multiplied by~~
 - iii) ~~\$185.~~
 - B) ~~for dates of services occurring on or after July 1, 1999:~~
 - Ai) the hospital's MIUR plus 1.15, multiplied by
 - Bii) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - Ciii) ~~\$169.00~~\$156.
- 2) For Illinois hospitals with an MIUR that is less than 75 percent, the product of:
 - A) the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) ~~\$169.00~~\$156.
- 3) For Illinois hospitals with an MIUR that is greater than or equal to 75 percent, the product of:
 - A) one and one-half the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by

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- C) ~~\$169.00~~\$156.
- cd) In addition to the reimbursement rates described in subsection (b) of this Section, hospitals that have an MIUR that is greater than or equal to 80 percent shall receive an additional ~~\$229,740.00~~ \$211,450 during the Pediatric Outpatient Adjustment Rate Year.
- de) Adjustments under this Section shall be paid at least quarterly. ~~For the remainder of the rate year occurring in State fiscal year 2002, total payments will equal the result of the following calculation:~~
- 1) ~~The total payments resulting from payment methodologies in effect on January 1, 2002, will be reduced by the total payments calculated from the payment methodologies that were in effect on December 31, 2001.~~
 - 2) ~~The difference from subsection (e)(1) of this Section will be divided by two and added to the total payments calculated from the payment methodologies that were in effect December 31, 2001.~~
 - 3) ~~The result of the calculation in subsection (e)(2) of this Section will be reduced by the actual payments each hospital already received for the period beginning July 1, 2001, and ending December 31, 2001, to produce the total payments for the remainder of State fiscal year 2002.~~
- ef) Definitions
- 1) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as ascribed in Section 148.120(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
 - 2) "Pediatric Adjustable Outpatient Services" means the number of outpatient services, excluding procedure code 0080, adjudicated through a UB92 billing form and grouped through the Hospital Ambulatory Care Groupings, as defined in Section 148.140(b)(1), during the Pediatric Outpatient Adjustment Base Period. For a hospital, which includes a facility devoted exclusively to caring for children, that is separately licensed as a hospital by a municipality, Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.
 - 3) "Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.
 - 4) "Pediatric Outpatient Adjustment Base Period" means all services billed to the Department, excluding procedure code 0080, with State Fiscal Year 1996 dates of service that were adjudicated by the Department on or

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- before March 31, 1997.
- 5) "Pediatric Outpatient Adjustment Rate Year" means State Fiscal Year 1998 and each State Fiscal Year thereafter.

(Source: Amended at 26 Ill. Reg. 17775, effective November 27, 2002)

Section 148.298 Pediatric Inpatient Adjustment Payments

Pediatric Inpatient Adjustment Payments shall be made, on a quarterly basis, to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient services occurring on or after July 1, 1998, in accordance with this Section. ~~The provisions described in this Section will be effective through June 30, 2002.~~

- a) To qualify for payments under this subsection (a), a hospital must be a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), that was licensed by a municipality on or before December 31, 1997. Hospitals qualifying under this subsection shall receive an adjustment for inpatient services equal to the product of the hospital's psychiatric and physical rehabilitation days, provided to children under 18 years of age during the adjustment base year, multiplied by ~~\$753~~ \$816.00 per day. Payments under this subsection will be based on the following methodology:
- 1) The calculation under this subsection (a) may not exceed more than 850 days.
 - 2) For the purposes of calculating payments under this subsection (a), the adjustment base year shall be psychiatric and physical rehabilitation days of care provided by the portion of the hospital that the Department does not recognize as a children's hospital. Such days include those provided in State fiscal year 1997 and adjudicated by the Department through March 31, 1998.
- b) In addition to the payments described under subsection (a) of this Section, any children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), will receive an additional adjustment equal to the product of the hospital's total paid days, excluding Medicare crossover claims, multiplied by ~~\$104~~ \$113.00 per day. Such days include those provided in State fiscal year 1999 and adjudicated by the Department through May 31, 1999.
- c) For rate years occurring after State fiscal year 2000, total payments made under subsections (a) and (b) of this Section shall be paid at least quarterly.
- ~~d) For the remainder of the rate year occurring in State fiscal year 2002, total payments will equal the result of the following calculation:~~
- ~~1) The total payments resulting from payment methodologies in effect on~~

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- ~~January 1, 2002, will be reduced by the total payments calculated from the payment methodologies that were in effect December 31, 2001.~~
- ~~2) The difference from subsection (d)(1) of this Section will be divided by two and added to the total payments calculated from the payment methodologies that were in effect on December 31, 2001.~~
 - ~~3) The result of the calculation in subsection (d)(2) of this Section will be reduced by the actual payments each hospital already received for the period beginning July 1, 2001, and ending December 31, 2001, to produce the total payments for the remainder of State fiscal year 2002.~~

(Source: Amended at 26 Ill. Reg. 17775, effective November 27, 2002)

Section 148.310 Review Procedure

- a) Inpatient Rate Reviews
 - 1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of any rate for errors in calculation made by the Department. Such a request must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
 - 2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of their rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- b) DSH Determination Reviews

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- 1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation made by the Department. Such a request must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- 2) DSH determination reviews shall be limited to the following:
 - A) DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
 - B) Medicaid Inpatient Utilization Rates
 - i) Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
 - ii) Hospitals' Medicaid inpatient utilization rates, as defined in Section 148.120(k)(5), which have been derived from unaudited cost reports or HDSC forms, are not subject to the Review Procedure with the exception of errors in calculation by the Department. Pursuant to Section 148.120(c)(1)(B) and (c)(1)(C)(i) and (ii), hospitals shall have the opportunity to submit corrected information prior to the Department's final DSH determination.
 - C) Low Income Utilization Rates. Low Income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with federal and State regulations.
 - D) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, 1989, and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992.

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Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of June 30, 1992.

- E) Excess Beds. Excess bed information shall be determined in accordance with Public Act 86-268 (Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to, the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.
 - F) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (k)(4), (k)(6) and (k)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.
- c) Outlier Adjustment Reviews
The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation made by the Department. Such a request must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- d) Cost Report Reviews
- 1) Cost reports are required from:
 - A) All enrolled hospitals within the State of Illinois;
 - B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical

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- Assistance Program; and
- C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PPS).
- 2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- e) Trauma Center Adjustment Reviews
- 1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation by the Department.
- 2) Trauma level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.
- 3) Appeals under this subsection (e) must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for

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trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- f) **Medicaid High Volume Adjustment Reviews**

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- g) **Sole Community Hospital Designation Reviews**

The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
- h) **Geographic Designation Reviews**
 - 1) The Department shall make rural hospital designations in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.
 - 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the

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determination. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

- i) Critical Hospital Adjustment Payment (CHAP) Reviews
 - 1) The Department shall make CHAP payments in accordance with Section 148.295. Hospitals shall be notified in writing of the results of the CHAP determination and calculation, and shall have the right to appeal the CHAP calculation or their ineligibility for the CHAP if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for CHAP and payment adjustment amounts, or a letter of notification that the hospital does not qualify for the CHAP. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
 - 2) CHAP determination reviews shall be limited to the following:
 - A) Federally Designated Health Professional Shortage Areas (HPSAs). Illinois hospitals located in federally designated HPSAs shall be identified in accordance with 42 CFR 5, and Section 148.295(a)(3)(B) and (b)(3) based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the last day of June preceding the CHAP rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HPSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HPSA as of the last day of June preceding the CHAP rate period.
 - B) Trauma level designation. Trauma level designation is obtained from the Illinois Department of Public Health as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, substantiating that the information

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- supplied to and utilized by the Department was incorrect.
- C) Accreditation of Rehabilitation Facilities. Accreditation of rehabilitation facilities shall be obtained from the Commission on Accreditation of Rehabilitation Facilities as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the Commission, substantiating that the information supplied to and utilized by the Department was incorrect.
- D) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120(k)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- E) Graduate Medical Education Programs. Graduate Medical Education program information shall be obtained from the most recently published report of the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation as of the last day of June preceding the CHAP rate period. Review shall be limited to requests accompanied by documentation from the above, substantiating that the information supplied to and utilized by the Department was incorrect.
- j) Tertiary Care Adjustment Payment Reviews. The Department shall make Tertiary Care Adjustment Payments in accordance with Section 148.296. Hospitals shall be notified in writing of the results of the Tertiary Care Adjustment Payments determination and calculation, and shall have the right to appeal the Tertiary Care Adjustment Payments calculation or their ineligibility for Tertiary Care Adjustment Payments if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Tertiary Care Adjustment Payments and payment adjustment amounts, or a letter of notification that the hospital does not qualify for Tertiary Care Adjustment Payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- k) Pediatric Outpatient Adjustment Payments. The Department shall make Pediatric

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Outpatient Adjustment payments in accordance with Section 148.297. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.297 if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.297 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- l) Pediatric Inpatient Adjustment Payments. The Department shall make Pediatric Inpatient Adjustment payments in accordance with Section 148.298. Hospitals shall be notified in writing of the results of the determination and calculation, and shall have the right to appeal the calculation or their ineligibility for payments under Section 148.298 if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification under Section 148.298 and payment adjustment amounts, or a letter of notification that the hospital does not qualify for such payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- m) Safety Net Adjustment Payment Reviews. The Department shall make Safety Net Adjustment Payments in accordance with Section 148.126. Hospitals shall be notified in writing of the results of the Safety Net Adjustment Payment determination and calculation, and shall have the right to appeal the Safety Net Adjustment Payment calculation or their ineligibility for Safety Net Adjustment Payments if it is believed that a technical error has been made in the calculation by the Department. The appeal must be submitted in writing to the Department and must be received or post marked within 30 days after the date of the Department's notice to the hospital of its qualification for Safety Net Adjustment Payments and payment adjustment amounts, or a letter of notification that the hospital does not qualify for Safety Net Adjustment Payments. Such a request must include a clear explanation of the reason for the appeal and documentation that supports the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

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- ~~nm~~) For purposes of this Section, the term "post marked" means the date of processing by the United States Post Office or any independent carrier service.
- ~~om~~) The review procedures provided for in this Section may not be used to submit any new or corrected information that was required to be submitted by a specific date in order to qualify for a payment or payment adjustment. In addition, only information that was submitted expressly for the purpose of qualifying for the payment or payment adjustment under review shall be considered by the Department. Information that has been submitted to the Department for other purposes will not be considered during the review process.

(Source: Amended at 26 Ill. Reg. 17775, effective November 27, 2002)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 92-0010 and Public Act 92-0597
- 5) Effective Date of Amendment: November 27, 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. 5874); July 12, 2002 (26 Ill. Reg. 10265)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: Two proposed rulemakings were combined to make this one adopted rulemaking. The two rulemakings have been modified as follows:

26 Ill. Reg. 5874

The end of new subsection (i) has been revised to read, “. . . shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.”

26 Ill. Reg. 10265

New subsections (i) and (j) have been relabeled as subsections (j) and (k) accordingly.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this amendment replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

26 Ill. Reg. 5874

Pursuant to Public Act 92-10, related emergency amendments provided reimbursement increases for ICF/MR facilities, effective April 11, 2002. Residential rates for ICF/MR settings included a statewide increase in compliance with provisions of the Act. The expenditure change affected the Illinois Department of Human Services, which is the designated State agency responsible for ICF/MR health standards and reimbursement. Subsequently, and pursuant to Public Act 92-597, Section 153.125 was again amended by emergency action, effective July 1, 2002, to return ICF/MR reimbursements to the rate levels that had been in effect on April 10, 2002. Because of that, the Department repealed, by emergency action, the emergency amendments that became effective on April 11, 2002. The Department is adopting the proposed amendments concerning the rate increase of April 11, 2002, for purposes of coherence and historical reference.

26 Ill. Reg. 10265

Pursuant to Public Act 92-597, related emergency amendments provided reimbursement modifications for skilled and intermediate care nursing facilities, and ICF/MR facilities, effective July 1, 2002. According to these changes, for nursing facilities, rates are 5.9 percent less than those in effect on June 30, 2002. For ICF/MR facilities, the rates returned to the rate levels that had been in effect on April 10, 2002.

- 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:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGESPART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100	Reimbursement for Long Term Care Services
153.125	Long Term Care Facility Rate Adjustments Adjustment
153.150	Quality Assurance Review (Repealed)

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: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed effective August 9, 2002; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002.

Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care

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facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.

- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.
- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.
 - 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
 - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - 3) Wages shall be calculated according to 89 Ill. Adm. Code 147.150, except that wages will be updated for inflation to January 1, 2001.
 - 4) Capital and support rates in effect on July 1, 2001, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
 - 5) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.

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- 6) All accounting records or other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.
- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.

(Source: Amended at 26 Ill. Reg. 17817, effective November 27, 2002)

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160.65	Amendment	October 4, 2002 (26 Ill. Reg. 14488)
160.70	Amendment	October 4, 2002 (26 Ill. Reg. 14488)
160.80	Repeal	October 4, 2002 (26 Ill. Reg. 14488)
160.88	Amendment	October 4, 2002 (26 Ill. Reg. 14488)

- 15) Summary and Purpose of Amendments: These amendments are necessary to implement National Medical Support Notice (NMSN) requirements and enforce medical insurance coverage in Title IV-D child support cases. Use of the NMSN specifically requires that employers enroll children in their health insurance plans and deduct any required employee contributions when served with an NMSN involving an employee who is a non-custodial parent. The potential budgetary impact of this new process is pending further analysis by the Department.
- 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:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONSPART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

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

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

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

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

- 160.70 Enforcement of Support Orders

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

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

- Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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

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

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002)

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SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions
 - 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given by certified mail, return receipt requested, or by any method provided by law for service of summons. (See Sections 2-203 and 2-206 of the Civil Practice Law [735 ILCS 5/2-203 and 2-206].)
 - 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state which provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
 - 5) "Child's needs" means the cost of raising a child as detailed by either:
 - A) the custodial parent's statement of the associated costs including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the Department's standard for the costs of raising a child taking into account average actual costs of providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care in a manner consistent with health and well being as set forth in this Part.
- b) Responsible Relative Contact
 - 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of

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such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

- 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
 - 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.
- c) Determination of Financial Ability
- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
 - i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);

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- iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders which contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- 2) In de novo hearings provided in subsection (d)(5)(~~H-G~~) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a

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- condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accordance with Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

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- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where ~~health~~health/hospitalization insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for ~~health~~health/hospitalization insurance coverage is being provided. ~~However, in Title IV-D non-TANF cases where the client is neither an applicant for nor a recipient of Medical Assistance, the Department shall enter or request such support orders only with the client's consent.~~ Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 5) When proceeding under subsection (d) of this Section, the Department shall, in any event, notwithstanding other provisions of this subsection and regardless of the amount of the responsible relative's net income, order the responsible relative to pay child support of at least \$10.00 per month.
- 6) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section.
- 7) The final order in all cases shall state the support level in dollar amounts.
- 8) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order, payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the

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responsible relative to notify the Department, within seven days:

- A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 11) The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support when appropriate.
- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).
 - B) In de novo hearings provided for in subsection (d)(5)(HG) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
 - C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to

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determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].

- d) Administrative Process
 - 1) Use of Administrative Process
 - A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
 - B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:
 - i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c), the Department will only consider factors listed in subsections (c)(1)(A)(i) through (c)(1)(A)(x) of this Section; and
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through (c)(1)(A)(x) of this Section; and
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of

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- Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
- v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section.
- 3) Failure to Appear
- A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought,

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as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.

- B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
- C) The FSS will not issue a subpoena under subsection (d)(3)(B) of this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.
- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under

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subsection (c)(4) of this Section:

- ED) the total retroactive support obligation and the beginning date, amount (which shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
- FE) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
- GF) a provision requiring that support payments be made to the State Disbursement Unit;
- HG) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accordance with provisions of the Administrative Review Law [735 ILCS 5/Art. III]; and
- IH) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section. Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order.
- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days

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after entry of such order, by:

- A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or an affidavit of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
 - C) service in the case of registration of the support orders of another state. A copy of such state's orders shall be served with those of the Department.
- 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), in those wherein the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.
 - 2) The Department shall prepare the transmit pleadings and obtain or affix appropriate signature thereto which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and

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- J) combinations of the above.
- 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

(Source: Amended at 26 Ill. Reg. 17822, effective November 27, 2002)

Section 160.65 Modification of Support Obligations

- a) Definitions
- 1) "Order for support" means any court or administrative order establishing the level of child support due to a child from the responsible relative.
 - 2) "Income Withholding Notice" means the notice served on a payor, pursuant to entry of a court or administrative order for support, that directs the payor to withhold a part of a responsible relative's income for payment of child support.
 - 3) "Assignment of support" has the meaning set forth in Section 160.5.
 - 4) "Assignment of medical support" has the meaning set forth in Section 160.5.
 - 5) "Health insurance" means health insurance or health plan coverage for the dependent child for whom support is sought.
 - 6) "Review" means the FSS comparison of the responsible relative's current financial ability to the existing order for support, as described in subsection (f) of this Section below.
 - 7) "Quantitative Standard for Review" means the current financial ability of the responsible relative, as determined through modification review, is at least 20 percent above or below the existing order for support and the change is an amount equal to at least \$10 a month.
- b) Review and Modification of Support Orders
- 1) The Department, beginning October 13, 1993, shall review child support orders in Title IV-D cases at 36 month intervals after establishment, modification or the last review, whichever was the last to occur, unless:
 - A) In a case in which there is an assignment of support or an assignment of medical support, the Department determines, in

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- accordance with subsection (b)(3) ~~of this Section below~~, that a review would not be in the best interests of the child and neither parent has requested a review; or
- B) In a case in which there is no assignment of support or assignment of medical support, neither parent has requested a review; or
 - C) In a case in which there is an assignment of medical support but no assignment of support, the order for support requires health insurance for the child covered by the order and neither parent has requested a review.
- 2) Prior to the expiration of the 36 month period:
- A) The Department, in a case in which there is an assignment of support or an assignment of medical support, shall review the order if:
 - i) an order for withholding has been served on the responsible relative's payor, and payments have been received by the Department within the 90 days prior to selection for review; and
 - ii) the order for support does not require the responsible relative to provide health insurance for the child covered by the order; and
 - iii) the Department has not determined that a review would not be in the best interests of the child.
 - B) The Department, in a case in which there is no assignment of support or assignment of medical support, shall review orders as set forth in subsection (b)(2)(A), but only with the consent of the client.
 - C) The Department may review any order for support, unless it has determined that a review would not be in the best interests of the child, whenever a change in financial circumstances of the responsible relative becomes known through representations of the relative or of the client or from independent sources, and such change would materially affect ability to support.
- 3) The Department shall determine that a review of an order for support would not be in the best interests of the child if there has been a finding of good cause, and it has been determined that support enforcement may not proceed without risk of harm to the child or caretaker relative.
- c) Notice of the Right to Request a Review
- 1) In each Title IV-D case, the Department shall provide notice not less than once every three years to each parent subject to an order for support in the case. The notice may be included in the order and shall inform the parent

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- of the right to request a review of the order, where to request a review and the information which must accompany a request.
- 2) The Department shall use the broadcast or print media at least twice a calendar year to publicize the right to request a review as part of the child support enforcement program, and include notice of this right as part of the information on IV-D services contained in its brochures, pamphlets and other printed materials describing the program.
- d) Notice of Review
- 1) The Department shall notify the client and responsible relative that a review will be conducted at least 30 days before commencement of the review.
 - 2) The notice of review shall:
 - A) Require completion of a form financial affidavit and return of the affidavit to the Department within 15 calendar days after the date the client or relative received the notice; and
 - B) State that if, as a result of the review, action is taken to modify the order for support, the Department will order or request the court to order the responsible relative to provide health insurance. However, in cases where the client is not receiving medical assistance, the notice shall state that health insurance may be ordered or requested only with the client's consent, as provided in Section 160.60(c)(7).
- e) Information Gathering and Employer Contact
- 1) The Department shall capture all available responsible relative financial information from existing federal and State sources (for example, Illinois Department of Employment Security) through electronic data searches on all IV-D cases.
 - 2) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after the relative receives the notice of review, the Department shall send a notice to the responsible relative's employer, in accordance with Section 10-3.1 of the Illinois Public Aid Code [305 ILCS 5/10-3.1]. The notice shall:
 - A) require the disclosure of responsible relative employment information, including but not limited to:
 - i) the period of employment;
 - ii) the frequency of wage payments;
 - iii) gross wages, net pay and all deductions taken in reaching net pay;
 - iv) the number of dependent exemptions claimed by the responsible relative; and

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- v) health insurance coverage available to the responsible relative through the employer.
 - B) require employer compliance within 15 calendar days after the employer's receipt of the notice.
- 3) If the responsible relative fails to return a completed financial affidavit within 15 calendar days after receipt of the notice of review, and the relative's employer is unknown, the Department shall use available means for obtaining the relative's financial information, e.g., service of a subpoena upon the responsible relative.
- f) Review of the Order for Support
 - 1) The FSS shall review any financial information concerning the responsible relative. Where the responsible relative's information is not verified through an employer, wage stubs or income tax returns, the FSS shall seek other verification, e.g., subpoena of the responsible relative's income tax return.
 - 2) The FSS shall determine the responsible relative's current financial ability in accordance with the guidelines contained in Section 160.60(c).
 - 3) The FSS shall compare the responsible relative's current financial ability to the amount of the existing order for support and determine if the Quantitative Standard for Review has been met.
 - 4) The FSS shall determine if health insurance is being provided for the child under the order for support or whether the child's health care needs are being met through other means. In no event shall the FSS consider a child's eligibility for, or receipt of, medical assistance to meet the need to provide for the child's health care needs.
- g) Notice of Review Results

The Department shall inform the client and responsible relative of the results of the review and provide a copy of the FSS calculation comparing the responsible relative's current financial ability to the amount of the existing order within 14 days after the review results are determined. The client and responsible relative will be advised whether or not the Department will take action to modify the existing order for support and of the right to contest the determination.

 - 1) When the review indicates the Quantitative Standard for Review has not been met, the client and responsible relative, in both judicial and administrative cases, are advised as follows:
 - A) The Department will not take action to modify the order for support.
 - B) The Department will only take action to modify the order to require health insurance for the child covered by the order.
 - C) Either parent may request a redetermination within 30 calendar

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days after the date of the notice by:

- i) signing and returning the request for a redetermination to the Department; and
 - ii) providing financial documentation or information concerning the child's health care needs not furnished previously, which will substantiate the request.
- 2) When the review indicates the Quantitative Standard for Review has been met, the client and responsible relative will be advised that:
- A) The Department will take action to modify the existing order for support in accordance with the review results.
 - B) In cases involving the judicial process, each parent will be informed 30 calendar days in advance of the hearing date and will have the opportunity to contest the review results at that time.
 - C) In cases where an administrative order for support is entered in accordance with subsection (h) of this Section below:
 - i) The client and responsible relative will be advised that he or she has until 30 calendar days after the date of mailing of the administrative order for support in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102. The client will be further advised that he or she may provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
 - ii) Where both the client and the responsible relative request a hearing, the two requests shall be merged and shall be disposed of simultaneously by the hearing proceeding. The parties shall be advised of the right to present evidence at the hearing, including the client's right to provide financial documentation or information concerning the child's health care needs not furnished previously that will substantiate the requested relief.
 - iii) Where the responsible relative requests a hearing and the client does not, the client shall again be advised of the right to present evidence at the hearing.
 - iv) Where the client requests a hearing and the responsible relative does not, the responsible relative shall again be advised of the right to present evidence at the hearing.
- 3) For purposes of calculating the 30 calendar day period in which to petition the Department for release from or modification of the administrative

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order for support or to request redetermination of the review results, the day immediately subsequent to the mailing of the order or determination shall be considered the first day and the day such request is received by the Department shall be considered as the last day.

- h) Further Actions Taken by the Department
- 1) The Department shall take the following action when the FSS has determined in accordance with subsection (f) ~~of this Section above~~ that the ~~Quantitative-Quantitative~~ Standard for Review has been met or when the Quantitative Standard for Review has not been met, but there is a determination that the order for support needs to be modified to require provision of health insurance:
- A) In a case involving an order for support entered by the court, the FSS shall:
- i) prepare a petition to modify, and obtain or affix appropriate signature thereto;
 - ii) refer the case for legal action to modify the order for support pursuant to Section 510 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510]; and
 - iii) provide the client and responsible relative with the notice described in subsection (g)(2)(B) ~~of this Section above~~.
- B) In a case involving an administrative order for support established under Section 160.60(d), or modified under this rule, the FSS shall enter an administrative order for support incorporating the results of the review and containing the information specified in Section 160.60(d)(5). Any order for health insurance shall be entered in accordance with Section 160.60(c)(7).
- i) The FSS shall effect income withholding in accordance with Section 160.60(d)(6).
 - ii) The FSS shall provide to the client and responsible relative copies of the administrative order for support together with the notice described in subsection (g)(2)(C) ~~of this Section above~~.
- ~~2) In IV-D cases where the client is neither an applicant for nor a recipient of medical assistance, the Department, with the client's consent, shall enter or request the court to enter an order for support requiring the responsible relative to provide health insurance.~~
- 23) Upon receipt of a petition for a release from, or modification of, an administrative order for support as described in subsection (g)(2)(C)(ii) within 30 calendar days after the date of mailing of such order, the Department will provide a hearing in accordance with 89 Ill. Adm. Code

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- 104.102. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section-above.
- 34) Upon receipt of a request for a redetermination as set forth in subsections (g)(1)(C) and (g)(2)(C)(i) within 30 calendar days after the date of mailing of the notice, the Department shall conduct such redetermination. The 30 calendar day period shall be calculated in accordance with subsection (g)(3) of this Section-above.
- i) Timeframes for Review and Modification
- 1) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine within 15 calendar days of October 13, 1993, or the date the order is 36 months old, whichever is later, whether a review should be conducted as provided in subsection (b)(1) of this Section-above.
 - 2) Subsequent determinations about whether to review an order for support in a case in which there is an assignment of support or an assignment of medical support shall be made by the Department in accordance with subsection (b)(1) of this Section-above, at 36 month intervals based upon:
 - A) the date the order for support was modified; or
 - B) the date an order was entered determining that the order for support would not be modified; or
 - C) the date the period expired for requesting redetermination of the Department's review decision not to seek modification of the order for support.
 - 3) Within 15 calendar days after receipt of a request for a review, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1) of this Section-above.
 - 4) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall:
 - A) send the notice of review in accordance with subsection (d) of this Section-above;
 - B) conduct a review of the order in accordance with subsection (f) of this Section-above;
 - C) send the notice of review results in accordance with subsection (g) of this Section-above; and
 - D) conclude any action to modify the order for support.
- j) Interstate Review and Modification
- 1) Initiating Cases
 - A) In any case in which there is an assignment of support or an assignment of medical support, the Department shall determine,

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within 15 calendar days ~~after~~ of October 13, 1993, or the date the order for support is 36 months old, whichever date occurs later, whether a review should be conducted, as required under subsection (b)(1) ~~of this Section above~~, and whether the review should be conducted by the Department or another state.

- B) Subsequent determinations about whether to conduct a review shall be made in accordance with subsection (b)(1) ~~of this Section of this Section above~~, at 36 month intervals based upon:
- i) the date the order for support was modified; or
 - ii) the date an order was entered determining that the order for support would not be modified; or
 - iii) the date the period expired for requesting redetermination of a review decision not to seek modification of the order for support.
- C) Within 15 calendar days ~~after~~ of receipt of a request for a review, the Department shall determine whether a review should be conducted, as required under subsection (b)(1) ~~of this Section above~~, and whether the review should be conducted by the Department or another state.
- D) Prior to the expiration of the 36 month period, the Department:
- i) shall review or request another state to review an order for support under the circumstances set forth in subsections (b)(2)(A) and (B) ~~of this Section above~~; and
 - ii) may review or request another state to review an order for support as provided in subsection (b)(2)(C).
- E) The Department shall determine in which state a review should be conducted after considering all relevant factors, including but not limited to:
- i) the location of existing order(s);
 - ii) the present residence of each party; and
 - iii) whether a particular state has jurisdiction over the parties.
- F) In any case coming under the provisions of subsections (j)(1)(A), (B) and (C) ~~of this Section above~~, in which the Department has determined to request a review of an order for support in another state, the Department shall:
- i) send a request for review to that state within 20 calendar days ~~after~~ of receipt of sufficient information to conduct the review and provide that state with sufficient information on the requestor of review to act on the request; and
 - ii) send to the parent in Illinois, a copy of any notice issued by

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the responding state in connection with the review and modification of the order, within five working days ~~after-of~~ receipt of such notice by the Department.

- 2) Responding Cases
 - A) Within 15 calendar days after receipt of a request for a review of an order for support in Illinois as the responding state, the Department shall determine whether a review should be conducted in accordance with subsection (b)(1).
 - B) Within 180 calendar days after determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the Department shall take the actions specified in subsection (i)(4) ~~of this Section above~~.

(Source: Amended at 26 Ill. Reg. 17822, effective November 27, 2002)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.75 Withholding of Income to Secure Payment of Support

- a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15] are incorporated herein by reference.
- b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
 - A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and
 - B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support

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- amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
- C) the obligor's Social Security Number disclosed to the court as required by law; and
 - D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
 - B) state the date of entry of the order for support upon which the income withholding notice is based; and
 - C) direct any payor to withhold the dollar amount required for current support under the order for support; and
 - D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
 - ~~E) direct any payor or labor union or trade union to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld, if applicable, any required premium; and~~
 - EF) state the amount of the payor income withholding fee as provided by law; and
 - FG) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
 - GH) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
 - HI) state the rights, remedies, and duties of the obligor, as provided by law; and
 - IJ) include the Social Security Numbers of the obligor, the obligee, and the child or children included in the order for support; and
 - JK) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
 - KL) contain the signature of the obligee or the printed name and

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telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and

- LM) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section above, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
- 2) The Department may serve the income withholding notice on the payor, its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.
- 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section above, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding

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- notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
- 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) **Income Withholding After Accrual of Delinquency**
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date or, if the address is unknown on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section-above shall:
 - A) contain the information required under subsection (b)(2) of this Section-above; and
 - B) contain a total amount of delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section-above.
 - 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
 - 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred

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to in subsection (b)(1)(A) ~~of this Section above~~, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) ~~of this Section above~~ and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) ~~of this Section above~~ no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) ~~of this Section above~~.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) ~~of this Section below~~ (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) ~~of this Section above~~ continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petition to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for

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- service of income withholding notices in subsection (c)(2) of this Section above, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
- 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) of this Section above shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) of this Section above, and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**
- 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section above, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.
 - 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section above, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section above. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file

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a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.

i) Notice to Payor

Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:

- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
- 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 3) that if the payor knowingly fails to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the withheld amount is not paid to the State Disbursement Unit after the period of seven business days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) ~~that upon receipt of an income withholding notice requiring that a minor child be named as a beneficiary of a health insurance plan available through an employer, labor union or trade union, that the employer or labor union or trade union must:~~
 - A) ~~immediately enroll the minor child as a beneficiary in the health insurance plan designated by the income withholding notice;~~
 - B) ~~withhold or cause to be withheld, if applicable, any required premium and pay over any amounts so withheld to the insurance carrier in a timely manner;~~
 - C) ~~mail to the obligee, within 15 days after enrollment or upon request, notice of the date of coverage, information on the dependent coverage plan, and all forms necessary to obtain reimbursement for covered health expenses, such as would be made available to a new employee;~~
 - D) ~~when an order for dependent coverage is in effect and the~~

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~~insurance coverage is terminated or changed for any reason, notify the obligee within ten days after the termination or change date along with notice of conversion privileges;~~

- ~~67)~~ that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- ~~78)~~ that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act. Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;
- ~~89)~~ require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
- ~~910)~~ that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
- ~~1011)~~ that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
- ~~1112)~~ that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
- ~~1213)~~ that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
- ~~1314)~~ that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments, ~~and that if there is any income available for withholding after withholding for all current support obligations, the payor shall allocate the income to past due support payments ordered in non-TANF matters and then to past due support payments order in TANF matters, both on a~~

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- ~~proportionate share basis~~; and
1415) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) of this Section above;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section above, as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties

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In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:

- 1) enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
- 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

l) Interstate Income Withholding

Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.

m) Use of National Medical Support Notice to Enforce Health Insurance Coverage

- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
- 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
- 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.
- 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the

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employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.

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

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

(Source: Amended at 26 Ill. Reg. 17822, effective November 27, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 17, 2002

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Banks and Real Estate

1. Calculation, Assessment and Collection of Periodic Fees (38 Ill. Adm. Code 375)
 - First Notice Published: 26 Ill. Reg. 13732 – 9/20/02
 - Expiration of Second Notice: 1/4/03

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 26 Ill. Reg. 13739 – 9/20/02
 - Expiration of Second Notice: 12/22/02
3. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 26 Ill. Reg. 13901 – 9/27/02
 - Expiration of Second Notice: 1/3/03

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DECEMBER AGENDA

Children and Family Services

4. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
 - First Notice Published: 26 Ill. Reg. 4516 – 3/29/02
 - Expiration of Second Notice: 1/3/03
5. Foster Parent Code (89 Ill. Adm. Code 340)
 - First Notice Published: 26 Ill. Reg. 13140 – 9/6/02
 - Expiration of Second Notice: 1/3/03
6. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
 - First Notice Published: 26 Ill. Reg. 4527 – 3/29/02
 - Expiration of Second Notice: 1/3/03

Natural Resources

7. Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)
 - First Notice Published: 26 Ill. Reg. 13750 – 9/20/02
 - Expiration of Second Notice: 12/22/02
8. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
 - First Notice Published: 26 Ill. Reg. 14750 – 10/11/02
 - Expiration of Second Notice: 1/10/03
9. Wildlife Conservation Measures and Practices (17 Ill. Adm. Code 635)
 - First Notice Published: 26 Ill. Reg. 13913 – 9/27/02
 - Expiration of Second Notice: 1/8/03
10. Conservation 2000 – Natural Resources Cost-Share Program (Repeal) (17 Ill. Adm. Code 1522)
 - First Notice Published: 26 Ill. Reg. 8640 – 6/21/02
 - Expiration of Second Notice: 1/8/03
11. Conservation 2000 – Ecosystems Program (17 Ill. Adm. Code 1523)
 - First Notice Published: 26 Ill. Reg. 8675 – 6/21/02
 - Expiration of Second Notice: 1/8/03

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DECEMBER AGENDA

12. Land and Water Conservation Fund (LWCF) Grant Program (17 Ill. Adm. Code 3030)
-First Notice Published: 26 Ill. Reg. 13764 – 9/20/02
-Expiration of Second Notice: 12/20/02

Pollution Control Board

13. Permits and General Provisions (35 Ill. Adm. Code 201)
-First Notice Published: 26 Ill. Reg. 12537 – 8/16/02
-Expiration of Second Notice: 1/3/03

Public Aid

14. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 26 Ill. Reg. 8243 – 6/7/02
-Expiration of Second Notice: 1/3/03
15. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 26 Ill. Reg. 10243 – 7/12/02
-Expiration of Second Notice: 1/3/03
16. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 26 Ill. Reg. 12545 – 8/16/02
-Expiration of Second Notice: 1/4/03

Public Health

17. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Cod 300)
-First Notice Published: 26 Ill. Reg. 10269 – 7/12/02
-Expiration of Second Notice: 1/15/03
18. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
-First Notice Published: 26 Ill. Reg. 10289 – 7/12/02
-Expiration of Second Notice Period: 1/15/03
19. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
-First Notice Published: 26 Ill. Reg. 10303 – 7/12/02
-Expiration of Second Notice: 1/15/03
20. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
-First Notice Published: 26 Ill. Reg. 10320 – 7/12/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

-Expiration of Second Notice: 1/15/03

21. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
-First Notice Published: 26 Ill. Reg. 10339 – 7/12/02
-Expiration of Second Notice: 1/15/03

Secretary of State

22. Illinois State Library, Acquisitions Division, Illinois Documents (23 Ill. Adm. Code 3020)
-First Notice Published: 26 Ill. Reg. 14609 – 10/4/02
-Expiration of Second Notice: 1/2/03
23. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 26 Ill. Reg. 13919 – 9/27/02
-Expiration of Second Notice: 1/2/03
24. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 26 Ill. Reg. 13928 – 9/27/02
-Expiration of Second Notice: 1/2/03

State Fire Marshal

25. Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
-First Notice Published: 26 Ill. Reg. 10165 – 7/12/02
-Expiration of Second Notice: 12/20/02

Teacher's Retirement System

26. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 26 Ill. Reg. 12612 – 8/16/02
-Expiration of Second Notice: 12/21/02

EMERGENCY AND PEREMPTORY RULEMAKINGS

Central Management Services

27. Pay Plan (80 Ill. Adm. Code 310) (Emergency)
-Notice Published: 26 Ill. Reg. 16583 – 11/8/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

28. Pay Plan (80 Ill. Adm. Code 310) (Peremptory)
-Notice Published: 26 Ill. Reg. 17280 – 12/2/02

Nuclear Safety

29. Standards for Protection Against Radiation (32 Ill. Adm. Code 340) (Emergency)
-Notice Published: 26 Ill. Reg. 17273 – 12/2/02

Professional Regulation

30. Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305) (Emergency)
-First Notice Published: 26 Ill. Reg. 16845 – 11/15/02

Public Aid

31. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 26 Ill. Reg. 16593 – 11/8/02
32. Hospital Services (89 Ill. Adm. Code 148) (Emergency)
-Notice Published: 26 Ill. Reg. 16612 – 11/8/02

Racing Board

33. Superfecta (11 Ill. Adm. Code 311) (Emergency)
-Notice Published: 26 Ill. Reg. 16854 – 11/15/02

AGENCY RESPONSES

Department on Aging

34. Community Care Program (89 Ill. Adm. Code 240; 26 Ill. Reg. 10076)

Department of Agriculture

35. Diseased Animals (8 Ill. Adm. Code 85; 26 Ill. Reg. 9487)

Banks and Real Estate

36. Home Inspector License Act (68 Ill. Adm. Code 1410; 26 Ill. Reg. 13317) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
DECEMBER AGENDA

Natural Resources

37. Wildlife Conservation Measures and Practices (17 Ill. Adm. Code 635; 26 Ill. Reg. 12650)

Professional Regulation

38. Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150; 26 Ill. Reg 15327)

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 November 26, 2002 through December 2, 2002 and have been scheduled for review by the Committee at its December 17, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/8/03	<u>Department of Natural Resources</u> , Wildlife Conservation Measures and Practices (17 Ill. Adm. Code 635)	9/27/02 26 Ill. Reg. 13913	12/17/02
1/8/03	<u>Department of Natural Resources</u> , Conservation 2000 – Natural Resources Cost-Share Program (Repeal) (17 Ill. Adm. Code 1522)	6/21/02 26 Ill. Reg. 8640	12/17/02
1/8/03	<u>Department of Natural Resources</u> , Conservation 2000 – Ecosystems Program (17 Ill. Adm. Code 1523)	6/21/02 26 Ill. Reg. 8675	12/17/02
1/10/03	<u>Department of Natural Resources</u> , Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	10/11/02 26 Ill. Reg. 14750	12/17/02
1/15/03	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	7/12/02 26 Ill. Reg. 10269	12/17/02
1/15/03	<u>Department of Public Health</u> , Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	7/12/02 26 Ill. Reg. 10289	12/17/02

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/15/03	<u>Department of Public Health, Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)</u>	7/12/02 26 Ill. Reg. 10303	12/17/02
1/15/03	<u>Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)</u>	7/12/02 26 Ill. Reg. 10320	12/17/02
1/15/03	<u>Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)</u>	7/12/02 26 Ill. Reg. 10339	12/17/02

PROCLAMATIONS

2002-604**November 23, 2002, as Thomas Holbrook Day**

WHEREAS, State Representative Thomas Holbrook will celebrate his birthday November 23, 2002; and

WHEREAS, Representative Holbrook has served as a State Representative for the 113th District from 1995 to present; and

WHEREAS, he has been the recipient of the 3rd Annual Senator Kenneth Hall Leadership & Service Award for his outstanding record on senior issues and for the advocacy of seniors of Southwestern Illinois; and

WHEREAS, he has been the recipient of the Sister City Award for his continued enthusiastic support and untiring efforts in assisting and promoting the programs of Belleville Sister Cities; and

WHEREAS, Representative Holbrook serves as Chairperson for the Tourism Committee, Vice-Chairperson for Veterans Affairs Committee, member of the Constitutional Officers Committee, Environment and Energy Committee, and the Telecom Rewrite Committee. He also serves on the Metro-East Tourism Task Force and Fire Protection Funding Task Force;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 23, 2002, as THOMAS HOLBROOK DAY in Illinois.

Issued by the Governor November 22, 2002

Filed by the Secretary of State November 27, 2002

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 against Preferred Custom Mortgages, Inc., License No. 3082 of Geneva, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 18, 2002.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,000 against Sterling Mortgage Financial Corporation, License No. 4294 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 12, 2002.

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 50 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.

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