2003 ILLINOIS REGISTER

RULES OF GOVERNMENTAL AGENCIES

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Editor's Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 15 - April 11, 2003: Data through March 31, 2003 (1stQuarter)
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)

Editor's Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor's Note3:

To: All State Agencies
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question "How can we help you?" Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State's Style Manual and 1 Ill. Admn. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. unless other wise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

Workshop Schedule and Signup Sheet on following page:

Secretary of State
Department of Index
Administrative Code Division
Workshop Schedule and Signup Sheet

April 30, 2003 Topics: • Introduction to the Secretary of State Style Manual • Rulemaking Process in Illinois • Organization and Format of Rules	Number Attending
May 14, 2003 Topics: • Authority Notes • Source Notes • Filing and Publication Procedures	Number Attending
June 25, 2003 Topics: • Miscellaneous Information Emergency Rules Second Notices Executive Orders/Proclamations Regulatory Agenda Other Notices • Checklists	Number Attending

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to:
Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308
If you have any question please call (217) 782-6537.

All workshops will be held at:
Illinois State Library
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Springfield, IL 62701
8:30am – 12:00pm

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 statue; 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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2003 REGISTER SCHEDULE VOLUME # 27

Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 23, 2002	January 03, 2003
Issue 2	December 31, 2002	January 10, 2003
Issue 3	January 06, 2003	January 17, 2003
Issue 4	January 13, 2003	January 24, 2003
Issue 5	January 21, 2003	January 31, 2003
Issue 6	January 27, 2003	February 07, 2003
Issue 7	February 03, 2003	February 14, 2003
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Issue 9	February 18, 2003	February 28, 2003
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Issue 11	March 03, 2003	March 14, 2003
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Issue 15	March 31, 2003	April 11, 2003
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Issue 19	April 28, 2003	May 09, 2003
Issue 20	May 05, 2003	May 16, 2003
Issue 21	May 12, 2003	May 23, 2003
Issue 22	May 19, 2003	May 30, 2003
Issue 23	May 27, 2003	June 06, 2003
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Issue 27	June 23, 2003	July 04, 2003
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Issue 50	December 01, 2003	December 12, 2003
Issue 51	December 08, 2003	December 19, 2003
Issue 52	December 15, 2003	December 26, 2003

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July 2001 - 675 - GA -82

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Home Inspector License Act

2) Code Citation: 68 Ill. Adm. Code 1410

3)

Section Number	Proposed Action
1410.200	Amended
1410.260	Amended
1410.300	Amended
1410.500	Amended
1410.520	Amended

4) Statutory Authority: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment has been created to correct oversights which include: Standards of Practice, Disclosure of a Conflict of Interest, Grounds for Discipline, Education Provider Application; Requirements, and Pre-License Course Curriculum.

6) Will this proposed amendment replace an emergency rule 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? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

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

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
Telephone: 217/782-6167

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

Telefax: 217/558-4297

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses 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:
January 2002

The full Text of the Proposed Amendment(s) begins on the next page:

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1410
HOME INSPECTOR LICENSE ACT

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section
1410.10 Definitions
1410.20 Applicability of this Part

SUBPART B: LICENSING AND EDUCATION REQUIREMENTS

Section
1410.100 Application for a Home Inspector
1410.110 Application for a Home Inspector Entity License
1410.120 Application for Non-Resident Home Inspector License by Reciprocity
1410.130 Expiration of Home Inspector Licenses
1410.140 Renewal of Home Inspector Licenses
1410.150 Pre-License Education Requirements
1410.160 Continuing Education Requirements
1410.170 Issuance of Certificate of Licensure
1410.180 Exemptions

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section
1410.200 Standards of Practice
1410.210 Notification of Name Change
1410.220 Assumed Name
1410.230 Address Change; Street Address
1410.240 Work Log of Inspections
1410.250 Entities must Utilize Licensed Home Inspectors
1410.260 Disclosure of a Conflict of Interest

SUBPART D: ENFORCEMENT PROVISIONS

Section
1410.300 Grounds for Discipline

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

1410.310 Felony Convictions; Discipline of Other Professional License; Notification
1410.320 Cooperation Required with OBRE
1410.330 Administrative Warning Letter
1410.340 Additional Education; Reporting Requirements
1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

SUBPART E: ADMINISTRATIVE PROVISIONS

Section
1410.400 Fees
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SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section
1410.500 Education Provider Application; Requirements
1410.510 Pre-License Education Course Requirements of Education Providers
1410.520 Pre-License Course Curriculum
1410.530 Example of Acceptable Pre-License Education Program
1410.540 Continuing Education Course Requirements of Education Providers
1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student
1410.560 Distance Education
1410.570 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
1410.580 Continuing Education Reporting
1410.590 Transcript or Certificate of Completion

SUBPART G: HEARINGS

Section
1410.600 Hearings

AUTHORITY: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Emergency rules adopted at 26 Ill. Reg. 13317, effective August 22, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg, 1513, effective January 17, 2003; Amended at 27 Ill. Reg._____ , effective _____.

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section 1410.200 Standards of Practice

a) For the purposes of this Section, the terms listed below shall mean:

1) Alarm Systems: Warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

2) Client: A person or person who engages or seeks to engage the services of a home inspector for an inspection assignment.

3) Component: A part of a system.

4) Decorative: Ornamental; not required for the operation of the essential systems and components of a home.

5) Describe: To report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components.

6) Home Inspection: As defined in Section 1-10 of the Act.

7) Home Inspection Report: A written evaluation prepared and issued by a home inspector upon completion of a home inspection, that meets the standards of practice as established by OBRE.

8) Inspect: To visually examine readily accessible systems and components of a building in accordance with these Standards of Practice, using normal operating controls and opening readily accessible access panels.

9) Roof Drainage Systems: Components used to carry water off a roof and away from a building.

10) Significantly Deficient: Unsafe or not functioning.

11) Solid Fuel Burning Appliances: A hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

12) Structural Component: A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

13) System: A combination of interacting or interdependent components, assembled to carry out one or more functions.

14) Under Floor Crawl Space: The area within the confines of the foundation and between the ground and the underside of the floor.

15) Unsafe: A condition in a system or component, that is ~~poses~~ a significant risk of personal injury or property damage during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

b) These Standards of Practice define the practice of home inspection in the State of Illinois and shall:

1) Provide home inspection guidelines; and

2) Define certain terms relating to these home inspections.

c) The purpose of these standards of practice is to establish a minimum and uniform standard for licensed home inspectors to provide the client with information regarding the condition of the systems and components of the home as inspected at the time of the home inspection.

d) Home inspectors or home inspector entities shall enter into a written agreement with the client or duly authorized representative prior to the home inspection that includes at a minimum:

1) The purpose of the inspection;

2) The date of the inspection;

3) The name, address and license number of the home inspector or home inspector entity;

4) The fee for services performed;

5) A statement that the inspection will be performed in accordance with these Standards;

6) A list of the systems and components to be inspected;

7) Limitations or exclusions of systems or components being inspected; and

8) The signature of the client or his or her duly authorized representative, and the ~~The~~ signature of the home inspector or the duly authorized representative of a home inspector entity.

e) At the conclusion of the home inspection, a home inspector shall submit a written report to the client or duly authorized representative within 48 hours, that includes the home inspector's signature, license number, expiration date and shall:

1) Describe the systems and components that were inspected;

2) Report on those systems and components inspected that, in the opinion of the inspector, are significantly deficient; and

A) A reason why the system or component is significantly deficient.

B) Disclose any systems or components designated for inspection, that were present at the time of the home inspection, but were not inspected and a reason they were not inspected.

f) These Standards are not intended to limit home inspectors from:

1) Including other inspection services, systems or components in addition to those defined in these standards of practice; and

2) Excluding systems and components in the written agreement from the inspection.

g) When, pursuant to written agreement with a client, the structural system/foundation is inspected, the home inspector shall:

1) Inspect the structural components including the foundation and framing; and

2) Describe the foundation and report the methods used to inspect the under-floor crawl space, floor, wall, ceiling, roof, structure and report the methods used to inspect the attic.

h) When, pursuant to the written agreement with a client, the exterior is inspected, the home inspector shall:

1) Inspect the exterior wall covering, flashing, trim, all exterior doors, attached decks, balconies, stoops, steps, porches, and their associated railings, the eaves, soffits, and fascias where accessible from the ground level, the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building, walkways, patios, and driveways leading to dwelling entrances; and

2) Describe the exterior wall covering.

i) When, pursuant to the written agreement with a client, the roof system is inspected, the home inspector shall:

1) Inspect the roof covering, the roof drainage systems, the flashings, the skylights, chimneys, and roof penetrations; and

2) Describe the roof covering and report the methods used to inspect the roof.

j) When, pursuant to the written agreement with a client, the plumbing system is observed, the home inspector shall describe in detail the interior water supply and distribution including all fixtures and faucets, ~~the~~ drains, waste and vent systems including all fixtures, the water heating equipment, the vent systems, flues, and chimneys, the fuel storage and fuel distribution systems, the drainage sumps, sump pumps, and related piping, and the location of main water and main fuel shut-off valves.

k) When, pursuant to the written agreement with a client, the electrical system is inspected, the home inspector shall:

1) Inspect the service drop, the service entrance conductors, cables, and raceways, the service equipment and main disconnects, the service grounding, the interior components of service panels and sub panels, the conductors, the over-current protection devices, installed lighting fixtures, switches, and receptacles, the ground fault circuit interrupters;

2) Describe the amperage and voltage rating of the service, the location of main disconnect(s) and sub panels, the wiring methods; and

3) Report on the presence of solid conductor aluminum branch circuit wiring and on the absence of smoke detectors.

l) When, pursuant to the written agreement with a client, the heating system is inspected, the home inspector shall:

1) Inspect the installed heating equipment, the vent systems, flues, and chimneys; and

2) Describe the energy source, the heating method by its distinguishing characteristics.

m) When, pursuant to the written agreement with a client, the cooling system is inspected, the home inspector shall:

1) inspect the installed central and through-wall cooling equipment; and

2) describe the energy source, the cooling method by its distinguishing characteristics.

n) When, pursuant to the written agreement with a client, the interior is inspected, the home inspector shall inspect the walls, ceilings, and floors, the steps, stairways, and railings, the countertops, installed cabinets, doors and windows, garage doors and garage door operators.

o) When, pursuant to the written agreement with a client, the insulation and ventilation are inspected, the home inspector shall:

1) inspect the insulation and vapor retarders in unfinished spaces, the ventilation of attics and foundation areas, the mechanical ventilation systems; and

2) describe the insulation and vapor retarders in unfinished spaces, the absence of insulation in unfinished spaces at conditioned surfaces.

p) When, pursuant to the written agreement with a client, the fireplaces and solid fuel burning appliances are inspected, the home inspector shall:

1) Inspect the system components, the vent systems, flues, and chimneys; and

2) Describe the fireplaces, solid fuel burning appliances, and the chimneys.

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

Section 1410.260 Disclosure of a Conflict of Interest

As set forth in Section 15-10(20) of the Act, a home inspector may provide services to a client in addition to a home inspection. The home inspector shall first, however provide a written notice of the service(s) intended and how such services may conflict with the home inspection services provided. Thereafter, the described additional services may only be performed upon securing the written consent of the client. Such ~~The~~ written notice of service(s) and written consent may ~~shall~~ not be contained in the written agreement with a client, but shall ~~must~~ be provided in a separate document.

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

SUBPART D: ENFORCEMENT PROVISIONS

Section 1410.300 Grounds for Discipline

A rebutable presumption of dishonest, unethical or unprofessional conduct shall arise whenever a home inspector, while performing a home inspection or developing a home inspection report, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:

a) The licensee expresses an opinion without being based on practical experience or education and honest conviction.

b) The licensee fails to act in good faith in dealing with a client.

c) The licensee discloses any information concerning the results of a home inspection without the approval of the client(s).

d) The licensee accepts compensation from more than one interested party for the same service without the consent of all interested parties.

e) The licensee offers or accepts commissions or allowances, directly or indirectly, from other parties dealing with a client while providing a home inspection.

f) The licensee fails to promptly disclose in writing to a client any interest in a business or the subject property that may affect or have the potential to affect the client.

g) The licensee allows an interest in any business to affect the quality of the results of a home inspection.

h) The licensee fails to disclose in writing to the client prior to the home inspection any limitations or exclusions of systems or components being inspected.

i) The licensee aides or assists another in the violation of the Act or this Part.

j) The licensee fails to satisfy a material term of a consent to administrative supervision order or consent order.

k) The licensee aides, assists, or facilitates another to use or appropriate credentials or a license for the purpose of preparing a home inspection report knowing such person to be unlicensed.

l) The licensee advises a client as to whether the client should or should not engage in a real estate transaction or provides an opinion of value regarding the residential real property that is the subject of the home inspection.

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

OFFICE AND BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section 1410.500 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, that is signed by the applicant and fully completed along with the appropriate fee required by this Part.

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; and

3) offer courses that are approved and licensed, 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 ~~.~~ , except practical lab instruction may be given 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 that specifies the course of study to be offered, the tuition, the provider's policy regarding refund policies, 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 that shall include 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, for example, 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 its facilities.

6) Each education provider shall notify OBRE of all proposed changes in ownership of the education provider at least thirty (30) days prior to the change in ownership.

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

Section 1410.520 Pre-License Course Curriculum

a) Pre-license education course work to obtain a license as a home inspector shall consist of a minimum of 60 hours of instruction, of which no less than 40 hours shall be classroom instruction and no less than 10 hours shall be practical lab instruction. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in that the home inspector's knowledge is increased in the following topics, including but not limited to:

1) Exteriors: Exterior study must contain the following as a minimum.

A) Identification and inspection of exposed foundations.

B) Identification and inspection of siding and exterior wall covering material, flashing, and trim including: Aluminum, brick, vinyl, steel Asphalt, hardboard, stucco, wood, exterior insulation finish system.

C) Identification and inspection of gutter and drainage control systems.

D) Inspection of porches steps and rails including the structural composition.

E) Identification and implications on vegetation, grading and surface drainage including: retaining walls, walk ways and driveways leading to a dwelling entrance.

2) Interiors: Interior study must contain the following as a minimum:

A) Identification and inspection of wall, ceiling and floor defects
.

B) Identification and inspection of step, stair and railing defects.

C) Identification and inspection of countertop, cabinet and island defects as it pertains to a kitchen or other type room.

D) Identification and inspection of interior and exterior door defects.

E) Identification and inspection of window defects and operation.

F) Identification and inspection of garage door defects, garage door opener defects, and garage structure defects including fire safety and habitability.

3) Roofing: Roofing study must contain the following as a minimum:

A) Identification of the type and style of roofs.

B) Identification and inspection of the roofing materials used including: asphalt, cedar shake, cedar shingle, tar, residential rolled roofing, clay and concrete tiles, slate, metal, and asbestos.

C) Identification and inspection of skylights and flashing.

D) Identification of chimneys and other penetrations including proper height and composition.

4) Plumbing: Plumbing study must contain the following as a minimum:

A) Identification and description ~~inspection~~ of the main distribution system including all fixtures and faucets and materials.

B) Identification and description ~~inspection~~ of all drain, waste and vent systems including all fixtures and materials.

C) Identification and description ~~inspection~~ of water heating systems.

D) Identification and description ~~inspection~~ of fuel distribution systems and materials.

E) Description ~~Inspection~~ and identification of all drainage control devices including sump pumps, ejector pumps or other related piping.

F) Identification of water source and sewer distribution.

5) Electrical: Electrical study must contain the following as a minimum:

A) Identification and inspection of the main service including the size, location, over current protection, such as a breaker or a fuse, service entrance conductors, cables, and raceways.

B) Identification and inspection of the branch distribution including fuse boxes, breaker boxes, and sub-panels.

C) Identification and inspection of all over current protection devices and wire type identification.

D) Identification and inspection of installed lighting fixtures, switches, and receptacles.

E) Identification and inspection of safety devices including ground fault circuit interrupters.

6) Heating, ventilation and air conditioning (HVAC): HVAC study must include the following as a minimum:

A) Identification and inspection of the installed heating equipment including: gas forced air, fuel oil forced air, heat pumps, electric forced air, and hydronic heating equipment as well and the distribution related to the various types.

B) Identification and inspection of fuel sources and distribution.

C) Identification and inspection of flue pipes and spent gas removal systems.

D) Identification and inspection of all related safety devices.

E) Identification and inspection of installed cooling systems including central and window mounted systems.

7) Structural: Structural study must contain the following as a minimum:

A) Identification and inspection of all structural components including floor and wall framing.

B) Identification and inspection of all foundation support systems including: poured concrete, concrete block, brick, stone, wood and all related perimeter footing systems.

C) Identification and inspection of water related or seepage related sources.

D) Identification and inspection of flood control devices.

E) Identification and inspection of roof structure and systems related to composition.

F) Identification and inspection of under roof and under floor ventilation.

G) Identification and inspection of insulation and vapor protection systems.

8) Miscellaneous Appliances: Appliance study must contain the following as a minimum:

A) Identification of all fireplaces, solid fuel burning appliances, chimneys and vents.

B) Identification and inspection of all major appliances including, but not limited to range, stove, oven, refrigerator, window air conditioner, washer, drier, trash compactor, and garbage disposal, and other appliances that may be a part of a transaction.

9) Applicable laws: Illinois specific law study must contain at a minimum:

A) Specific knowledge and understanding of the Illinois Home Inspector License Act and Administrative Rule.

B) General knowledge and understanding of Illinois Human Rights Act.

C) General knowledge and understanding of contract law.

10) Standards of Practice: Standards of practice study must contain the following as a minimum:

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A) Required disclosures to a client.

B) Required report content.

C) Competent report writing.

D) Specific knowledge of business practices and standards of practice.

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

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1) The Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers

2) Code Citation: 89 III. Adm. Code 404

3)

Section Numbers:	Proposed Actions
404.2	Amended
404.4	Amended
404.5	Amended
404.6	Amended
404.7	Amended
404.9	Amended
404.11	Amended
404.12	Amended
404.18	Amended
404.22	Amended
404.25	Amended
404.28	Amended
404.31	Amended
404.33	Amended
404.37	Amended
404.38	Amended
404.47	Amended
404.49	Added
404.50	Renumbered

4) Statutory Authority: Implementing and authorized by the Child Care Act [225 ILCS 10] and the Childrens Product Safety Act [430 ILCS 125].

5) A Complete Description of the Subjects and Issues Involved: In addition to formatting and grammatical corrections, the Department is amending Part 404 as follows:

In Section 404.2, the requirement of Law Enforcement Agency Data System (LEADS) checks for persons ages 13 through 17 has been deleted. The name for the Illinois Sex Offender Registry has been corrected. To be consistent with federal regulations, "forestry camps and facilities operated for the detention of children who are determined to be delinquent" has been added to the exclusion list of child care institutions. The definition

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of SACWIS (Statewide Automated Child Welfare Information System) has been added. SACWIS has replaced the Child Abuse and Neglect Tracking System (CANTS).
In Section 404.4, requirements for a complete application have been added to include the institution's exempt status; list of persons owning more than five percent in the stock of the corporation along with the list of names, addresses and contact phone numbers of board members; list of standing committees and documentation showing compliance with local zoning regulations.

In Section 404.5, additional requirements for license renewal have been added: the applicant is to submit a current list of members of the board, staff list including documentation of licensure, pending investigations against the institution's license and any changes in the institution's policies.

In Section 404.6, institutions are to develop a code of ethics policy and shall display their license in areas visible to the public.

In Section 404.7, when requesting a permit, the governing body of the institution shall sign the application request and attest to be in compliance with local zoning regulations.

In Section 404.9, the conflict of interest policy to be developed by institutions and maternity centers shall include the requirement that the institution will avoid nepotism or the appearance of it. The institution's governing body shall notify the Department within two days after a change of the administrator and within 30 days after other major changes.
In Section 404.11, the effective date has been added for the provision for administrators who are deemed qualified by serving in that capacity for a minimum of five years at the institution. A requirement was added for notification to the Department when there is a change of administrators.

In Section 404.12, the position of Program Director has been added as an option for the administrative coverage.

In Section 404.18, residents in the institution may use their own personal physician to perform medical functions required by the institution.

In Section 404.22, requirements for in-service training are listed.

In Section 404.25, discharge criteria and procedures have been added.

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In Section 404.28, requirements have been added that children be supervised at all times. The institution shall consider a mother's cognitive abilities, age and number of children residing with the mother in the institution when considering staff ratios, which shall be approved by the Department.

In Section 404.31, the institution shall assure that children's personal belongings accompany the child when he or she leaves the facility.

In Section 404.33, language was added indicating that institutions are to deposit children's personal funds in insured accounts and that the transfers of money and properties among youths and between staff and youth is prohibited.

In Section 404.37, the acceptance of children's medical examinations by an advanced practice nurse or physician assistant was added according to provisions in P.A. 92-703. Safety standards protecting children from sharp instruments, hazardous items, as well as the requirement that staff are to protect children at all times and not subject them to corporal punishment have been added.

In Section 404.38, to meet the nutritional needs of the children in care, the food guide pyramid provided by the U.S. Department of Agriculture is to be used in preparing food.

Section 404.47 clarifies the requirements for reporting a child's unusual incidents. In addition it clarifies the requirements for reporting new hires and changes of the administrator.

Section 404.49, has been renumbered as section 404.50, and

The new transportation standards have been added as Section 404.49.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

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11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile (217)557-0692

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking affects child care institutions and maternity centers that are subject to licensure by the Department.

B) Reporting, bookkeeping or other procedures required for compliance: Besides making copies of required files, there are no additional costs to small businesses.

C) Types of professional skills necessary for compliance: Clerical

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated when the last two Regulatory Agendas were published.

The full text of the proposed amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404
LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

404.1 Purpose
404.2 Definitions
404.3 Effective Date of Standards (Repealed)
404.4 Application for License
404.5 Renewal of License
404.6 Provisions Pertaining to License
404.7 Provisions Pertaining to Permits
404.8 Incorporation
404.9 Composition and Responsibilities of the Governing Body
404.10 Finances
404.11 The Administrator
404.12 Administrative Coverage
404.13 Child Care Staff
404.14 Support Personnel
404.15 Substitute Child Care Staff
404.16 Volunteers
404.17 Requirements of Professional Staff
404.18 Medical and Health Services
404.19 Social Work Staff
404.20 Teachers
404.21 Recreation Staff
404.22 Staff Training
404.23 Health Requirements for Staff and Volunteers
404.24 Background Checks
404.25 Criteria for the Admission and Discharge of Children
404.26 Admission Preparation Requirements
404.27 Agreements and Consents Between Responsible Parties
404.28 Child Care Groupings
404.29 Discipline of Children
404.30 Controls

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404.31 Clothing and Personal Belongings
404.32 Personal Care and Hygiene
404.33 Allowances
404.34 Education
404.35 Work and Training
404.36 Recreation and Leisure Time
404.37 Health and Safety
404.38 Food and Nutrition
404.39 Professional Services
404.40 Visitation
404.41 Community Life
404.42 Religion
404.43 Termination of Residential Care
404.44 Buildings
404.45 Grounds
404.46 Equipment
404.47 Records and Reports
404.48 Records Retention
404.49 Transportation ~~Severability of This Part~~
404.50 Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; and amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg.17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 27 Ill. Reg. _____, effective _____.

Section 404.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or

auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.
"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate~~, or via a LEADS check of persons ages 13 through 17~~; and

- a check of the Statewide Automated Child Welfare Information System (SACWIS) ~~Child Abuse and Neglect Tracking System (CANTS)~~ and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the ~~Statewide Child~~Illinois Sex Offender Registry.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term child care institution includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- *any State-operated institution for child care established by legislative action;*

- *any juvenile detention or shelter care home established and operated by any county or child protection district;*

- *any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act* [210 ILCS 45];

- *any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis; or*

- *any facility licensed as a group home as defined in* the Child Care Act of 1969.

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(Section 2.06 of the Child Care Act of 1969)

- For purposes of this Part, forestry camps, training schools or any facility operated primarily for the detention of children who are determined to be delinquent are not child care institutions.

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Deemed status" means the Department has approved an institution or maternity center as in compliance with the requirements of this Part because the institution or maternity center:

- has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and

- during the past four years, there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children served by the accredited institution or maternity center.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969 [225 ILCS 10/2.02])

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) ~~Child Abuse and Neglect Tracking System (CANTS)~~ and the ~~Statewide Child~~Illinois Sex Offender Registry.

"License" means a document issued by the Department which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

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"License applicant", for purposes of background checks, *means the operator or person with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969)
"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child Care Act of 1969, receives, treats or cares for one or more unwed pregnant girls under 18 years of age, except that the term does not include any facility licensed under the Hospital Licensing Act. (Section 2.07 of the Child Care Act of 1969)

"Permit" means a one-time only document issued by the Department for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

“Replacement or supplemental staff” means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking System (CANTS).

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

Section 404.4 Application for License

a) Application for license shall be completed by the officers of the governing body of the institution, ~~or its authorized representative~~ on forms prescribed and furnished by the Department.

b) For the application to be considered complete, the following shall be attached to the application:

1) articles of incorporation and bylaws, indicating that the institution's corporate status is in good standing with the Illinois Secretary of State and specifying whether the institution is for profit or not-for-profit.

2) If a not-for-profit corporation under Section 501 of the Internal Revenue Code (26 USCA 501), a copy of the Internal Revenue Service ruling on the institution's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's Office (if applicable).

3~~2~~) a statement of purpose, including the types of child care provided;

4~~3~~) ~~list of officers, board members and committees of the governing body;~~list of owners, officers, board members, principal shareholders owning more than five percent of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois. The board list shall include the name, addresses and home phone number or contact phone number other than the institution's phone number of each member:

5) list of standing committees;

6) documentation of compliance with local zoning regulations;

7~~4~~) operating budget;

8~~5~~) range of services;

9~~6~~) staffing plan which includes job descriptions and the qualifications of staff; ~~and~~

10~~7~~) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check;~~.~~ and

11) a code of ethics adopted by the governing body. This code of ethics must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, May, 1996, or found on the Department's website at www.state.il.us/dcfs, under Communications tab).

c) A new application shall be filed:

1) when an application for license has been withdrawn, and the institution seeks to reapply;

2) there is a change of address of a facility;

3) there is a change of ownership, name or corporate status; or

4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.

d) A new application may be submitted at any time a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

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

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Section 404.5 Renewal of License

a) Application

1) License renewal application ~~Application~~ forms ~~for license renewal~~ shall be mailed to the institution by the Department six months prior to the expiration date of license. Officers of the governing body shall submit the ~~The~~ completed application ~~shall be submitted~~ to the Department three months prior to the expiration date of the license. The child care institution or maternity center shall also include with the application verification of any accreditations earned. For a renewal application to be considered complete, the following shall be attached to the application:

A) a current list of names and addresses of owners, officers, board members, principal shareholders owning more than five percent of the stock of the corporation;

B) a staff list, including name, job title and documentation of child staff licensure;

C) any pending investigation or actions against the institution's license; and

D) changes in any of the institution's policies since the last application.

2) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the institution continues to meet licensing standards. The licensing study shall be in writing; reviewed and signed by the licensing supervisor and the licensing representative performing the study.

3) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.* [5 ILCS 100/10-65] ~~*and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall*~~

~~*continue in full force and effect for up to (30) days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown* [205 ILCS 10/5(d)] "Good cause" includes but is not limited to shortages of staff.~~

b) Acceptance of Accreditation as Deemed Status

1) When a child care institution or maternity center is fully accredited by the Council on Accreditation for Children and Family Services, Inc. (Council on Accreditation), 120 Wall Street, 11th Floor, New York NY 10005 (2001 standards) and there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children served by that facility for the last four years, that child care institution or maternity center is deemed to be in compliance with the requirements of this Part.

2) The Department shall verify in writing with the Council on Accreditation that the child care institution or maternity center's accreditation continues to be in good standing and shall conduct annual monitoring visits to verify the continued compliance of the child care institution or maternity center with the requirements of this Part.

3) If licensing violations are substantiated against an accredited child care institution or maternity center, the Department licensing worker shall notify in writing the Council on Accreditation of the substantiated violations. The facility shall receive a copy of this notice.

4) If a substantiated licensing violation may affect the health, safety, morals, or welfare of the children served by the child care institution or maternity center, the institution or maternity center shall be removed from deemed status and a full license study shall be conducted as part of the license renewal process.

c) Renewal Application Under Deemed Status

1) A child care institution or maternity center in deemed status doing business with the Department shall submit to the Department Regional Office of ~~Central~~ Licensing:

A) Signed and completed renewal application on a form provided by the Department;

B) Written description of any change in the institution's tax ~~corporate~~ exempt status, charitable trust registration, and range of services provided;

C) List of current employees, including the name of the Administrator;

D) List of current board members, including their names, home phone numbers, and addresses;

E) Copy of any Corrective Plan currently placed on the institution;

F) Copy of additional information submitted by the institution to the Council on Accreditation, including:

i) Institution's consumer surveys' results;

ii) Information regarding any "hold" on the institution's intake placed by the Council on Accreditation, including; was the hold for any part of the current license sequence; was the institution on hold at the time of renewal; reason for the hold, and duration of the hold status; and

iii) Copy of the most recent Annual Maintenance of Accreditation Report the institution filed with the Council on Accreditation;

G) Copy of letter the institution has from the Council on Accreditation for Children and Family Services showing that the institution is fully accredited.

2) The Department shall obtain the following information from other sources about the institution in deemed status doing business with the Department:

A) Results of the institution's financial audit and any documented financial problems;

B) The number of indicated child abuse/neglect investigations and licensing complaint investigations; and

C) Council on Accreditation confirmation that the institution is fully accredited and in good standing.

3) Institutions and maternity centers not doing business with the Department shall submit to the Department:

A) Signed and completed renewal application on a form provided by the Department;

B) Written description of any change (if applicable) in the institution's corporate exempt status, charitable trust status and range of services provided;

C) List of current employees, including the name of the Administrator;

D) List of current board members, including their names, home phone number and addresses;

E) Copy of information the institution submitted to the Council on Accreditation regarding results of or information about the institution's consumer surveys;

F) Copy of the last Annual Maintenance of Accreditation Report the institution filed with the Council on Accreditation;

G) Copy of letter the institution has from the Council on Accreditation showing that the institution is fully accredited; and

H) Copy of the institution's most recent audit.

4) The Department shall obtain the following information from other sources about the institution in deemed status that is not doing business with the Department:

A) Number of indicated child abuse/neglect investigations and licensing complaint investigations;

B) Council on Accreditation confirmation that the institution is fully accredited and in good standing

d) Removal of Institution or Maternity Center from Deemed Status

The following shall occur before the Department is to remove a child care institution or maternity center from deemed status:

1) The Department shall have documentation of one or more substantiated violations that affect the health, safety, morals or welfare of children served by the institution or maternity center's program.

2) After review and confirmation of the substantiated violation by the licensing supervisor and manager, the Central Office of Licensing shall submit a recommendation for removing the institution from deemed status to a 5-member panel comprised of representatives from the Divisions of Quality Assurance, Purchase of Service Monitoring, and Program Operations, and the Offices of Child and Family Policy and Licensing.

3) The 5-member panel shall review the recommendation for removal from deemed status.

A) If the panel concurs with the recommendation, the panel shall forward the recommendation to the Director for final approval.

B) If the panel does not concur with the recommendation, the institution or maternity center will maintain in deemed status.

4) The Department shall notify the institution or maternity center in writing of the Director's decision to remove or maintain the institution in deemed status.

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

Section 404.6 Provisions Pertaining to License

a) A child care institution license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The child care institution shall adhere to the provisions specified on the license.

c) The following changes in licensing status shall occur only upon prior approval of the Department:

1) the age or characteristics of children served;

2) the licensed capacity; or

3) the area within the institution used for children.

d) The license shall not be transferred to another person, or other legal entity, nor shall it be valid for a name or an address other than that shown on the license.

e) The license capacity of the institution shall not be increased unless the facility is in compliance with licensing standards.

f) A current license shall be displayed at the institution in an area visible to the public at all times.

g) There shall be no fee or charge for the license.

h) The facility's code of ethics that has been adopted by the governing body and must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, May, 1996, or found on the Department's website at www.state.il.us/dcfs, under Communications tab).

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

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Section 404.7 Provisions Pertaining to Permits

a) A permit shall not be issued until:

1) the application for license has been completed and signed by an officer of the governing body of the ~~responsible~~ child care institution or maternity center and submitted to the Department;

2) written clearances concerning compliance with the fire, health, sanitation, local zoning regulations, and safety requirements as specified in state laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations is on file;

3) a person in charge of the administration and operation of the child care institution who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks has been employed;

4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;

5) child care staff sufficient for the number of children to be served have been hired;

6) a written plan has been filed which requires provision of food, clothing, educational and religious opportunities and health care of children to meet the physical, spiritual, mental and health needs of the children;

7) the facility has established procedures and forms to maintain required and necessary records including records on the children served;

8) a written plan on how the requirements for licensure will be met has been developed within the permit period;

9) references and medical reports on all staff, including the administrator, are on file at the institution; and

10) demonstration of financial capability through a projected budget, and letters of commitment from the sources of income specified in the budget.

b) A permit shall not be issued retroactively.

c) The permit shall not be transferred or transmitted to another person or other legal entity.

d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.

e) The permit shall not be renewable.

f) The permit shall be displayed on the premises in an area visible to the public at all times.

g) A license shall be issued any time within the six month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.

h) There will be no fee or charge for issuing the permit.

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

Section 404.9 Composition and Responsibilities of the Governing Body

a) The governing body of an institution incorporated not-for-profit shall be a Board of Directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body shall be responsible to the Department for maintaining the standards set forth in this Part~~part~~.

b) If incorporated as a not-for-profit corporation, the governing body shall adopt a conflict of interest policy that requires, at a minimum:

1) that no member of the board of directors or any member of their immediate family may derive or appear to derive any personal profit or gain, directly or indirectly, by reason of his or her membership on the board of directors or because of services provided to the board;

2) that each board member must disclose to the board any personal interest that he or she or any immediate family member may have in any current or potential matter before the board and refrain from participating in any decision on such matters; and

3) that no member of the administrator's or the chief financial officer's immediate families may serve on the board of directors for the child care institution or maternity center and no member or any board member's immediate family may serve as administrator, the chief financial officer, or independent contractor of the institution.

c) if incorporated as a for-profit corporation, adopt a code of conduct for the Board.

d~~b~~) The governing body shall:

1) establish written by-laws;

2) assure that the institution operates at all times with an on-site administrator, who, by official notice, is made known to the Department;

3) hold at least four ~~two~~ meetings annually;

4) keep records of minutes of all Board meetings reflecting official actions of the Board;

5) officially notify the Department ~~of any major changes in the corporate structure, or a change in the administration of the institution, including: articles of incorporation and bylaws, board membership, officers, and other changes in services provided by the institution;~~in writing within two days after a change in the administrator of the institution or within 30 days after any major changes in the corporate structure, including, but not limited to:

A) changes in the articles of incorporation or bylaws;

B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its

charitable organization status as determined by the Illinois Attorney General;

C) addition of any principal shareholder owning at least five percent of the stock of the corporation;

D) changes in the governing body or its officers; and

E) other changes in services provided by the institution;

6) establish written policies of the institution which shall be made available to all board members and employees including services to be provided by the institution: admissions, personnel policies, fiscal operations, care of children and other policies as needed to direct the institution, such as family visitation, community contacts with children and the functions of the administrator;~~.~~

7) provide and maintain physical facilities appropriate for the program and supporting services;

8) maintain and keep all records and documents required by this Part ~~part~~ in the State of Illinois where they shall be readily available for licensing review;

9) assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property which the institution may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and

10) assure that all persons working with children are of reputable character.

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

Section 404.11 The Administrator

a) The administrator is that person designated by the board or owner(s) to carry out established policies and procedures and the day-to-day management of the institution.

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b) An administrator shall have:

1) a Master's Degree from an accredited school of social work and three years' work experience with children, at least two of which were in institutional or other residential group care programs and at least an additional two years of administrative experience; or

2) a Master's Degree in a human services field from an accredited school and three years work experience with children, at least two of which were in institutional or other residential group care programs and at least an additional two years of administrative experience; or

3) a Bachelor's Degree from an accredited college or university, five years' work experience with children, at least three of which were in institutional or other residential group care and an additional two years of administrative experience.

c) All persons currently serving as administrators who have served in that capacity for a minimum of five years prior to April 1, 1997 at the institution where currently employed, ~~immediately preceding the implementation of this part~~ shall be deemed qualified.

d) If there is no social work supervisor, the administrator shall, in addition, meet the qualifications for a social work supervisor as defined in Section 404.19, Social Work Staff.

e) A person/persons shall be appointed to act in behalf of the administrator when the administrator is absent.

f) If the administrator is to be on leave for more than one month or has left prior to a replacement, the Department shall be notified of the name of the person appointed as acting administrator. The acting administrator shall have the qualifications of an administrator. The notification to the Department shall include documentation that the acting administrator meets the qualifications to be an administrator.

g) The Department shall be notified when there is a change of administrator. The notification shall include documentation that the individual meets the qualifications to be and administrator.

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

Section 404.12 Administrative Coverage

a) The institution shall not be left at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the child care worker for each unit, with the administrator, or someone designated by the administrator, to be on call.

b) Program Administrator

The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for children, supervision of program staff, staff development and training, educational activities and other services to children.

The program administrator shall have:

1) a Master's Degree from an accredited school of social work and three years' work experience with children, at least two of which were in institutional or other residential group care programs, or

2) a Master's Degree in a human services field from an accredited school and three years work experience with children, at least two of which were in institutional or other residential group care programs, or

3) a Bachelor's Degree from an accredited college or university, five years' work experience with children, at least three of which were in institutional or other residential group care.

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

Section 404.18 Medical and Health Services

a) A qualified physician working in collaboration with the administrator shall be designated to assure that comprehensive medical and health services are provided according to the needs of the children and the requirements of this part.

b) The on-call physician shall:

1) be a physician licensed in the State of Illinois to practice medicine in all its branches;

2) be on the premises at regular intervals but not less than once per month to personally observe and evaluate medical and health services.

3) participate in the establishment of the institution's written medical policies and supervise the medical and health program of the institution, including admission and periodic examinations, immunizations and treatment programs, unless the resident has his/her own personal physician to perform these functions;

4) review all prescriptions monthly and authorize their continuance in writing, unless the resident has his/her own personal physician to perform these functions;

5) be responsible for the observation of applicable laws, rules and regulations in the prescription, storage and administration of drugs and medications;

6) arrange for and supervise the locked storage, use and disposal of drugs and medications and allow for standing orders from children's individual physicians for the dispensing of medications prescribed by them.

7) designate persons responsible for administering medications prescribed to the children to be present when medications are dispensed. Medications shall be consumed when a staff member is present; and

8) advise on the qualifications and appointment of other medical consultants and specialists whose services are required.

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

Section 404.22 Staff Training

a) There shall be an organized in-service training program to equip child care personnel to meet the individual and group care needs of the children.

b) The in-service training program shall include content designed to familiarize staff with:

1) licensing rules, including this Part;

2) Part 384, Behavior Treatment in Residential Child Care Facilities;

3) program and range of services provided by the facility;

4) child development principles; and

5) the Abused and Neglected Child Reporting Act [325 ILCS 5].

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

Section 404.25 Criteria for the Admission and Discharge of Children

a) The institution shall establish written admission policies.

b) Children shall be admitted only upon written consent or application of parent or guardian, upon court order, or, in emergency situations, upon authorization of an officer of the law or a Department child protective services worker. No person who has attained age 18 shall be admitted unless referred by a parent or a guardian, including an agency having legal responsibility for the person under 705 ILCS 405/2-27 ~~Ill. Rev. Stat. 1983, ch. 37, par. 705-7~~.

c) The institution shall assess with the referring agency, child and/or family the child's need for placement, the purpose for referral to the specific institution, and the institution's ability to serve the child.

d) A plan for services for the child and family shall be in writing, shall be reviewed at least every six months, and shall be signed by all the parties involved. The plan shall describe the services to be provided, describe how they will meet the needs of the child and family, describe how they are directed toward resolution of the need for placement, and establish a time frame for termination of services and care in the facility.

e) Referrals from and acceptance of out-of-state children for care shall be in accordance with ~~the~~ Part 89 Ill. Adm. Code 328, Interstate Compact on the Placement of Children and other applicable laws and rules.

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f) ~~No child shall be accepted for~~ Prior to placement, ~~without the~~ information and documents about a child shall be obtained from the respective parent or guardian or from the referring agency at the time of admission; however, if any of this information does not exist, is not available, or is not provided, the institution shall include in its record a written statement from the referral source to that effect.

g) The information and documents shall include:

1) name, birth date, sex, race, religion, legal status and current address of the child;

2) names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and referring agency social worker;

3) name and address of the school last attended, current placement, school report and/or information on the child's educational needs;

4) name, address and telephone number of the doctor, clinic or hospital currently or recently treating the child;

5) financial and insurance resources available to the child; and

6) listing of prior placements with length of time and reasons for placement and change.

h) Medical data about the child shall include:

1) complete medical history including current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and a report of the most recent physical examination;

2) all available information pertaining to the health history of the child's family; and

3) if any of this information regarding medical history of the child or family of the child does not exist, the institution shall include in its record a written statement from the referral source to that effect.

i) Social data about the child and his family describing pertinent past experiences and circumstances leading to the child's admission shall include:

1) significant behavioral problems of the child;

2) child's strengths and areas of need;

3) physical description of the child;

4) current family situation;

5) relationship of child and family or other significant adults;

6) relationship of child to peers, adults;

7) immediate and long-range goals;

8) results and dates of prior psychiatric or psychological evaluations or tests; and

9) consents and agreements as required.

j) Any child who, after attempts have been made to meet the child's individual needs, demonstrates the inability to benefit from the type of care offered by the institution, or whose presence is detrimental to the group, shall be discharged from the institution.

k) In all instances, when an institution decides that it is in the best interest of the child to terminate enrollment, the child's and parents' or guardian's needs shall be considered by planning with the parents or guardian to meet the child's needs when he or she leaves the institution, including referrals to other institutions, agencies or facilities.

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

Section 404.28 Child Care Groupings

a) Groupings and supervision of children shall provide for individual attention and consideration of each child. Groups shall consist of a maximum of 15 children.

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b) Child care staff shall supervise children at all times.

~~b~~c) There shall be:

1) no more than 12 children when there are children between six and 12 years of age in the group;

2) no more than five children when there are children between two and six years of age in the group; and

3) no more than six children when there are children under two years of age in the group.

d~~e~~) In case of an emergency the institution must be able to provide for the safety of the children.

~~d) Institutions which were licensed prior to the effective date of this part shall have two calendar years from that date to comply with these groupings.~~

e) Two or more groups may share common programs and living accommodations but sufficient numbers of child care workers shall be maintained.

f) Children under 18 years of age whose parents serve as staff members maintaining a residence in the institution shall be included in determining the license capacity if they:

1) live in the same quarters as children accepted for care; and

2) have been admitted for direct care by the institution on the same basis as other children.

g) The institution shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while in their living quarters.

h) For night time supervision, there shall be at least one person on duty and awake for each two groups occupying common or attached living quarters. Girls shall be

under the direct supervision of adult female staff during the night. Additional staff shall be on call in case of emergency or other need.

1) The awake night staff requirements may be waived in writing by the Director of the Department or his designee for an institution, or that portion of an institution, wherein groups of up to ten children are the responsibility of child care staff who share family style living quarters.

2) A request for a waiver of the night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children will be protected by other means. No waiver may be granted for a group wherein one or more children has been diagnosed as mentally retarded, developmentally disabled or physically incapacitate.

i) Each child shall be assigned to a group and shall be provided his own bed and readily accessible storage space where he may keep his personal belongings and possessions.

j) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent/guardian, staff, resource personnel and the Department.

k) Maternity centers where mothers have their children residing with them at the center shall consider the age of the mother, her cognitive abilities and the age and number of children residing with the mother when considering staffing ratios in the facility program plan. The Department shall approve ratios.

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

Section 404.31 Clothing and Personal Belongings

a) Children shall be supplied with clothing required for their health, comfort, and physical well-being, according to their individual needs, age, and sex.

b) Clothing items shall be individually selected, properly fitted, appropriate to the season, and in accordance with the standards of the community. A child who is old enough to do so, shall be involved in the selection of his own clothing.

c) All items shall be supplied in quantities necessary for school and other special uses.

d) Clothing shall be appropriately identified for the child's own use.

e) No used shoes or used undergarments shall be provided to a child.

f) Donated clothing shall be selected with care to eliminate the use of shoddy, torn, or soiled garments, outmoded styles and improper sizes.

g) A suitable supply of clothing shall accompany the child upon discharge from the institution.

h) The facility shall assure that a child's personal belongings brought to placement and acquired by or given to the child such as clothing, books, toys, gifts, private collections, photographs, child's private savings, allowances and other items, accompany the placement and are returned to the child when the child leaves the placement.

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

Section 404.33 Allowances

a) Personal allowance money shall be available to children based upon the child's age and ability to manage money. Adolescents may be allowed to earn additional personal spending money.

b) The institution shall assist the child in the proper handling of money.

c) Personal funds of children and youth held by the institution shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Children and youth shall receive receipts for all financial transactions on a monthly basis. The facility shall provide a quarterly report on the status of each

child's or youth's account to the child or youth, the child's or youth's caseworker, Guardian ad Litem and attorney.

d) Personal financial transactions or transfer of a child's or youth's personal property among children or youth, children or youth and staff, and children or youth and volunteers/interns are prohibited.

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

Section 404.37 Health and Safety

a) Each child shall be examined by a physician, advance practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advance practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by the supervising physician within 30 days prior to placement in the institution unless the placement is an emergency. In an emergency placement, the physical examination shall be scheduled within five days after placement and completed with 15 days after placement. In all cases each child shall be screened for communicable diseases within 72 hours.

b) Children shall be examined annually or more frequently if findings and medical opinions indicate need. Diagnosed medical problems shall be promptly treated.

c) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment; however, recommended orthodonture shall be referred to the child's legal guardian.

d) In the absence of any religious exemptions, immunizations and tests shall be administered in accordance with standard medical practices and as required by the Illinois Department of Public Health.

e) If treatment is in process for any physical impairment which requires continuing or follow-up medical attention, the parent, guardian or other facility to whom the child is discharged shall be so notified.

f) The institution shall have a written plan for use in case of fires and natural disaster. The institution shall conduct fire and disaster drills with staff and children at least once every three months. Records of such drills shall be kept. At

least once every six months, a fire marshal or other authority responsible for public safety shall view the drills.

g) Household pets shall be inoculated as required by state and local regulations.

h) No firearms or ammunition shall be allowed in the institution.

i) The facility may not use or have on the premises, on or after July 1, 2000, any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. Code 386 (Children's Product Safety).

j) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power tools, cleaning supplies, and any other such items that might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam© and similar products, and sponge, rubber or soft plastic toys.

k) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area that is inaccessible to children.

l) Staff shall not abuse or neglect children and shall protect children from harm at all times.

m) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or his family.

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

Section 404.38 Food and Nutrition

a) Food shall be prepared and served using the food guide pyramid provided by the United States Department of Agriculture Center for Nutrition to meet ~~provide~~ the ~~recommended dietary allowances (R.D.A.) for the~~ nutritional needs of the children~~ in accordance with those standards currently set by the National Academy of Sciences, Food and Nutrition Board~~.

b) Food products from home-raised animals shall meet the standards of the Illinois Departments of Agriculture and Public Health.

c) Special dietary needs of children shall be met as medically prescribed.

d) The institution shall consider nutritional needs in relationship to sex, age, religious beliefs and cultural influences.

e) Meals shall be served under clean and sanitary conditions.

f) Three balanced meals shall be served each day. The time span between service of one meal and the next meal shall not be greater than fourteen hours (overnight).

g) Children shall be encouraged to eat food served, but shall not be subjected to undue coercion or forced feeding.

h) Staff members shall be present to provide supervision for children during meal times.

i) If meals are provided to on-duty staff, they shall be substantially the same as those served children (unless a special diet due to medical needs or religious beliefs is required).

j) Menus shall be prepared and posted one week in advance of actual service.

k) Records of all meals actually served shall be retained for one year and shall be available for periodic review and evaluation.

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

Section 404.47 Records and Reports

a) The institution shall maintain records on each child receiving services and all agency personnel, and in addition, shall submit certain reports as prescribed by the Department. These records and reports shall be confidential. Authorized representatives of the Department shall have access to the records and reports. All persons with access to the records and reports shall respect their confidential nature.

b) The institution shall submit to the Department of Children and Family Services such periodic and special reports as may be required.

c) The institution shall state in the child's record and shall report to the child's parent, guardian and the Department licensing representative any unusual incidents or serious occurrences involving children. These incidents and occurrences shall be reported immediately by telephone, fax or other electronic means to the Department licensing representative and ~~in writing, or if made verbally,~~ confirmed in writing within 48 hours after ~~of~~ the occurrence. These incidents and occurrences (see 89 Ill. Adm. Code 331, Unusual Incidents) include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations; or any serious incident which results in legal action by or against the institution, which affects any child or children, personnel, or conduct of the institution.

d) A permanent record and master file card shall be maintained for every child under care which shall include:

1) name, birth date, sex, race, religion and legal status of the child;

2) names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and social worker;

3) dates of admission and termination of care;

4) information pertaining to the circumstances and reasons for termination of care;

5) names, relationship, address and telephone number of the person(s) with whom the child resides following termination of care;

6) summaries of evaluation conferences; and

7) the child's health, including current health evaluations, medical and dental reports, psychological and psychiatric examination reports, illnesses, treatment and persons providing treatment, charting of medication including type, dosage, time and signature of persons dispensing the medication, any history of alcoholism or drug addiction.

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e) In addition to the permanent record, the institution shall maintain active records containing the admission study and ongoing data including important documents pertaining to birth, family, legal status, school, religious affiliation, health findings and treatment and consents and other documents as appropriate.

f) Children's records shall also include the child's adjustment, functioning and progress in:

1) group interaction; staff and peer relationships;

2) school or work;

3) special skills, interests and activities;

4) the community;

5) relationship with his family and significant changes in the family;

6) relationship and contacts with guardian, and other agencies;

7) treatment services provided the child;

8) reducing behavioral problems to enable him to live in a less restrictive setting; and

9) interaction with his family during visitation.

g) Records shall be maintained for all employees and, in addition, for each volunteer who has responsibility for the direct care or supervision of children. These records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, three pre-employment references, history of employment for the last five years, and at a minimum, annual evaluations of performance. Personnel records shall include the date of employment and the date and reason(s) for separation. These records shall be available for Department review.

h) The institution shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department.

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1) An individual report on each new employee (including owner, operator, or director) shall be filed with the Department; a copy of this report shall be kept at the facility.

2) ~~All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks, as required by 89 Ill. Adm. Code 385, Background Checks.~~ For all new hires, a complete, authorization for background checks, as required by 89 Ill. Adm. Code 385, Background Checks, must be submitted to the Department Central Office of Licensing within two business days after beginning employment.

3) Changes of the Administrator shall be forwarded to the licensing representative of the Department, within two business days after the change. If the two day notification is submitted electronically or by phone, written confirmation, with documentation of credentials as required by Section 404.11, shall be submitted to the Department licensing representative within ten business days. All other staff changes should be reported monthly to the licensing representative.

4~~3~~) Copies of documentation of medical information, and verification of educational achievement~~, and character~~.

i) The institution shall maintain a separate file of the results of the background check required by Section 404.24 and 89 Ill. Adm. 385, Background Checks.

j) The institution shall maintain in its official records the major decisions and policies of the governing body or board.

k) Financial records of operations including a copy of the annual independent certified audit shall be maintained as part of the permanent records of the institution.

l) The institution shall provide safe, locked places for maintenance, safe storage and preservation of confidential and business records.

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

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Section 404.49 Transportation

A child care institution or maternity center providing transportation services shall comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5].

a) The driver of a vehicle transporting children on behalf of a child care institution or maternity center, whether paid or unpaid, shall comply with the following requirements:

1) be 21 years of age or older;

2) currently hold a valid driver's license, that has not been revoked or suspended for one or more traffic violations during the three years immediately prior to the date of application;

3) demonstrate physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;

4) has not been convicted of more than two offenses against traffic regulations governing the movement of vehicles within a 12 month period;

5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past three years;

6) has signed and submitted a written statement certifying that he/she has not, through the unlawful operation of a motor vehicle, caused an accident that resulted in the death of any person within the five years immediately prior to the date of application.

However, any child care institution or maternity center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section.

b) A child care institution or maternity center driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of the institution.

c) Any individual who holds a valid unrestricted Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in compliance with the requirements of subsections (a) – (b) above.

d) The driver shall not leave the vehicle unattended at any time while transporting children.

e) The driver shall see that order is maintained in the vehicle for safety of the children in transit.

f) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.

g) Age-appropriate safety restraints that are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.

h) A vehicle used by the institution to transport children shall be maintained in mechanically safe condition at all times. The driver must inspect the vehicle before use each day, both internally and externally, including all safety equipment and possible hazards, and ensure that the headlights, turn signals, stop arms, and windshield wipers are in sound operating condition, that the tires are inflated to correct pressure and the vehicle has more than an adequate supply of fuel for transportation that day.

i) The driver shall inspect the vehicle after each use to assure that no child is left in the vehicle.

j) Any vehicle used for the transportation of children on behalf of the institution shall be equipped with a first-aid kit when used for transporting children.

k) A written emergency plan to be followed in case of accidents, serious illness, severe weather alerts, and other pertinent information shall be maintained. The emergency plan shall remain in the possession of the driver while en route.

l) With the exception of school buses, vehicle doors shall be locked at all times when the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.

m) The driver shall not allow children to stand in a moving vehicle, sit on the floor of a vehicle in use or extend any part of their body through the vehicle windows.

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

Section 404.50 ~~Section 404.49~~ Severability of This Part (Renumbered)

If any court of competent jurisdiction finds that any section, clause, phrase, or provision of this part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this part.

(Renumbered from 89 Ill. Adm. Code 404.49 at 27 Ill. Reg. ____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Certification in Specific Teaching Fields

2) Code Citation: 23 Ill. Adm. Code 27

3)

Section Numbers:	Proposed Action:
27.10	Amendment
27.350	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:

This set of standards has its origins in the determinations issued on June 22, 2000, by the Court-appointed Monitor in the *Corey H.* litigation. The Monitor's determinations addressed the necessary changes in Illinois certification policy with respect to both special education and general education teachers. He indicated that, after content standards had been developed for general education teachers in the various subject fields, ISBE would be required to develop content-area standards that relate to the general curriculum for special education teachers.

The agency sought the assistance of representatives of higher education in the identification of these proposed standards and indicators, which emphasize reading and mathematics as the Monitor indicated but also include fundamental requirements in the natural and social sciences. They represent a synthesis of selected standards that are now in place with respect to elementary and special education as well as reading, mathematics, social science, and natural science. The guiding principle in their development was to state expectations for content knowledge that would enable special educators to afford their students access to the general curriculum as required by IDEA without unduly extending their preparation programs.

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? No

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

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:

January 2003

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 27
STANDARDS FOR CERTIFICATION IN SPECIFIC TEACHING FIELDS

SUBPART A: GENERAL

Section
27.10 Purpose and Effective Dates

SUBPART B: FUNDAMENTAL LEARNING AREAS

27.100 English Language Arts
27.110 Reading
27.120 Reading Specialist
27.130 Mathematics
27.140 Science - A Common Core of Standards
27.150 Biology
27.160 Chemistry
27.170 Earth and Space Science
27.180 Environmental Science
27.190 Physics
27.200 Social Science – A Common Core of Standards
27.210 Economics
27.220 Geography
27.230 History
27.240 Political Science
27.250 Psychology
27.260 Sociology and Anthropology
27.270 Physical Education
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27.300 Dance
27.310 Drama/Theatre Arts
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27.350 General Curricular Standards for Special Education Teachers

SUBPART C: ADDITIONAL TEACHING FIELDS

Section
27.400 Agricultural Education
27.410 Business, Marketing, and Computer Education
27.420 English as a New Language (ENL)
27.430 Family and Consumer Sciences
27.440 Health Careers
27.450 Library Information Specialist
27.460 Technology Education
27.470 Technology Specialist
27.480 Work-Based Learning Teacher/Coordinator

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

SOURCE: Adopted at 26 Ill. Reg. 6293, effective April 22, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 27.10 Purpose and Effective Dates

This Part establishes the standards that, together with the standards set forth in Standards for All Illinois Teachers (see 23 Ill. Adm. Code 24), shall apply to the issuance of endorsements in specific teaching fields pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The standards set forth in this Part shall apply both to candidates for the respective endorsements and to the programs that prepare them. That is:

a) except as provided in Section 27.350 of this Part, beginning July 1, 2003, approval of any teacher preparation program or course of study in any field covered by this Part pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the standards identified in this Part; and

b) except as provided in Section 27.350 of this Part, beginning on July 1, 2004, the examination(s) required for issuance of a certificate endorsed in any field covered by this Part shall be based on the relevant standards set forth in this Part.

ILLINOIS STATE BOARD OF EDUCATION

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

SUBPART B: FUNDAMENTAL LEARNING AREAS

Section 27.350 General Curricular Standards for Special Education Teachers

This Section establishes standards relative to the general curriculum that shall apply to the issuance of special education teaching endorsements pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The standards set forth in this Part shall apply both to candidates for the respective endorsements and to the programs that prepare them. Beginning July 1, 2005, approval of any teacher preparation program in special education shall be based on the congruence of that program's or course's content with the standards identified in this Section, and beginning on October 1, 2006, the examination(s) required for issuance of a special education teaching certificate shall cover the standards included in this Section.

a) Mathematics

The competent special education teacher demonstrates proficiency in the use of mathematics; understands, communicates, and connects the major concepts, procedures, and reasoning processes of mathematics that define number systems and number sense, geometry, measurement, statistics, probability and algebra; and promotes all students' ability to apply, interpret, and construct mathematical thinking skills in a variety of situations.

1) Knowledge Indicators – The competent special education teacher:

A) understands various approaches used (estimation, mental mathematics, manipulative modeling, numerical/geometric/algebraic pattern recognition, and technology) to analyze mathematical ideas, solve problems, and investigate real-world situations.

B) understands approaches used (estimation, mental mathematics, manipulative modeling, numerical/geometric/algebraic pattern recognition, and technology) to interpret and communicate mathematical information, reasoning, concepts, applications, and procedures.

C) understands concepts of math including numeration, geometry, measurement, statistics/probability, and algebra.

2) Performance Indicators – The competent special education teacher:

A) demonstrates proficiency in mathematics.

B) selects and uses a wide range of manipulatives, instructional resources, and technologies to support the learning of mathematics.

C) develops appropriate lesson plans that incorporate curriculum and instructional strategies with individualized education goals and benchmarks.

D) evaluates general curricula and determines the scope and sequence of the academic content area of mathematics.

E) utilizes resources and materials that are developmentally and functionally valid.

F) applies principles of instruction for generalized math skills to teaching domestic, community, school, recreational, or vocational skills that require mathematics.

G) plans and implements individualized, systematic instructional programs to teach priority mathematic skills.

H) incorporates the Illinois Learning Standards in areas of mathematics in the development of instruction and IEPs.

b) Reading

The competent special education teacher has a general understanding of reading and reading instruction and knows how to assess, teach, and support the education of students with disabilities.

1) Knowledge Indicators – The competent special education teacher:

A) knows theoretical models and philosophies of reading education and their relevance to instruction.

B) knows the scope and sequences for reading instruction at all developmental levels.

C) understands, respects, and values cultural, linguistic, and ethnic diversity and knows how these differences can influence learning to read.

D) understands the differences between reading skills and strategies and the role each plays in reading development.

E) knows a wide range of high-quality literature for students.

F) understands models of reading diagnosis that include students' proficiency with print conventions, word recognition and analysis, vocabulary, fluency, comprehension, self-monitoring, and motivation.

G) knows a wide variety of informal and formal assessments of reading, writing, spelling, and oral language.

H) is aware of a variety of individualized and group instructional interventions or programs for students with reading problems.

I) plans and models the use of comprehension strategies across content areas.

2) Performance Indicators – The competent special education teacher:

A) adjusts reading instruction to meet the needs of diverse learners (e.g., gifted students, those for whom English is a second language, those with disabilities, and those who speak non-standard dialects).

B) locates, evaluates, and uses literature for readers of all abilities and ages.

C) uses various tools to estimate the readability of texts.

D) uses technology to support reading and writing instruction.

E) determines strengths and needs of individual students in the areas of reading, writing, and spelling.

F) determines students' reading levels (independent, instructional, frustrational).

G) gathers and interprets information for diagnosis of the reading problems of individual students.

H) develops individual educational plans for students with severe learning problems related to literacy.

I) interprets and explains diagnostic information for classroom teachers, families, and other specialists to use in planning instructional programs.

J) designs, implements, and evaluates appropriate reading programs for small groups and individuals.

K) incorporates the Illinois Learning Standards in areas of reading in the development of instruction and IEPs.

c) Natural and Social Sciences

The competent special education teacher understands the fundamental concepts and principles related to the natural and social sciences.

1) Knowledge Indicators – The competent special education teacher:

A) understands scientific investigation and inquiry skills across the sciences to conduct experiments and solve problems.

B) understands principles and procedures, including safety practices, related to the design and implementation of scientific investigations and the application of inquiry skills and processes to develop explanations of natural phenomena.

C) understands the relationship among the social science disciplines.

D) understands that science is a process involving observation, inference, and experimentation.

E) understands the relationship between the social sciences and other learning areas.

2) Performance Indicators – The competent special education teacher:

A) demonstrates and uses appropriate strategies to engage students in acquiring new knowledge through the use of scientific thinking and reasoning.

B) selects and uses a wide range of instructional resources, modes of inquiry, and technologies to support learning in the natural and social sciences.

C) develops appropriate lesson plans that incorporate curriculum and instructional strategies with individualized education goals and benchmarks.

D) models the rights and responsibilities of citizenship in a democratic society.

E) models and teaches the appropriate use of scientific methods (e.g., gathering, organizing, mapping, interpreting, and analyzing).

F) incorporates the Illinois Learning Standards in areas of natural and social science in the development of instruction and IEPs.

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

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1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3)

Section Numbers:	Proposed Action:
3000.100	Amendment
3000.140	Amendment
3000.165	Amendment
3000.200	Amendment
3000.210	Amendment
3000.270	Amendment
3000.272	New Section
3000.285	New Section
3000.320	Amendment
3000.600	Amendment
3000.635	Amendment
3000.636	Amendment
3000.640	Amendment
3000.655	Amendment
3000.660	Amendment
3000.661	New Section
3000.665	Amendment
3000.666	Amendment
3000.667	New Section
3000.670	Amendment
3000.671	New Section
3000.756	Amendment
3000.770	Amendment
3000.800	Amendment
3000.1010	Amendment
3000.1050	Amendment
3000.1060	Amendment

4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10] (specifically 230 ILCS 10/5(b)(4) and 5(c)(3), and Public Act 91-40)

5) A Complete Description of the Subjects and Issues Involved: The proposed rules establish a minimum framework for allowing the use of ticket vouchering technology in

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NOTICE OF PROPOSED AMENDMENTS

Electronic Gaming Devices or EGDs (commonly referred to as slot machines) at Illinois' riverboat casinos. In recent years, several states have authorized the use of this new technology either on a trial or permanent basis. Illinois owner and supplier licensees requested that the Illinois Gaming Board consider approving this technology. As a result, the Board has worked with the industry, current and potential suppliers, advocacy groups, regulatory bodies in other states, and specialized testing laboratories to identify the major regulatory issues involved and ways to address those concerns.

Ticket vouchering technology permits EGDs to issue a paper scrip, referred to as a Voucher, at the end of play, similar to how Tokens are issued. The Voucher may then be converted to United States currency at either the cashier cage of a riverboat casino or at a Voucher Validation Terminal. For 120 days after issuance, a Voucher may also be used to place a wager at a different EGD at the same riverboat casino. Vouchers may be redeemed for currency for a period of three years. At no time, however, may Vouchers be used at a different riverboat casino or be acquired except through an EGD. Vouchers must be printed for the correct dollar value due the customer, ranging from $0.1 to $1,199.99. When the minimum wager is not evenly divisible by the value listed on a Voucher, the difference in value must be returned to the customer in the form of a new Voucher. From a customer perspective, the change noted will be the availability of the Voucher either as an option in addition to Tokens or in lieu of Tokens. Since Vouchers function like currency, and are bearer instruments just like currency, lost Vouchers cannot be replaced.

However, a system of strict regulatory controls is required to ensure that Vouchers are properly issued, redeemed, processed, and accounted for by each riverboat gaming operation. The Voucher System, which includes the Voucher equipped EGDs, printers, and software programs, must be certified by an independent laboratory and approved by the Board's Administrator prior to use. Similarly, the Computer Monitoring System and the Voucher Validation Terminal must also be certified and approved. In addition, the minimum integrity, operational and reporting requirements of a Voucher System and mandatory information to be printed on and maintained for each Voucher are specified in the proposed rules and strict adherence thereto is required. Also, each riverboat gaming operations' Internal Control System will have to be amended to include the new minimum requirements for such systems to ensure the integrity of the Systems and their component parts. Owner licensees and supplier licensees currently pay for the examination and certification of certain items. As the requests increasingly require specific technological expertise, payment for the review and certification of Voucher Systems and new technology is clarified by rule.

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To implement this framework, new definitions are proposed and some definitions are revised or clarified. Requirements for maintaining information in writing or via written lists are eliminated so that information may be maintained in other media. Physical security requirements for the information and media used are listed. Prior notification of agreements relating to this technology will be required, as is currently required for most other agreements. Prohibitions currently in place for Tokens and Chips are extended to cover Vouchers so that no owner, director, officer or gaming employee may acquire Vouchers from another person or for another person. Surveillance specifications for areas where Vouchers are printed and redeemed are included. In addition, a fourth meter requirement, at Rule 3000.660(b)(10), is eliminated since it is no longer needed in order to monitor the activities of an EGD. Finally, for those persons who are placed on the IGB's Voluntary Self-Exclusion List, the stipulated sanction for violating the terms of the self-exclusion include forfeiting all jackpots. Owner licensees are required to not pay any jackpots under $1,200 to patrons that they know are on the Self-Exclusion List.

In addition, the proposed amendments include a revision to the definition of Riverboat to comply with the Riverboat Gambling Act. Public Act 92-600 changed the definition to include permanently moored barges that permanently fixed together to operate as one vessel, effective June 28, 2002. The language is repeated verbatim.

6) Will these proposed amendments replace any emergency amendment current 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: The Illinois Gaming Board has determined that the use of ticket vouchering technology, requested by owner and supplier licensees, would enhance the gaming options available to patrons of Illinois' riverboat casinos and maintain the industry current with its competitors in other states and with the future direction of gaming. The Board seeks to implement this technology through clearly defined Board standards so as to avoid many of the pitfalls encountered in other jurisdictions. The Board proposes adopting strict regulatory controls for the issuance, redemption and accounting of Vouchers, which have value and function equivalent to United States currency at riverboat casinos. These controls extend to every activity and device related to this technology.

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Public Act 92-600 amended the definition of Riverboat, which definition should be revised in the Board's rules.
In addition, technical changes are made throughout to align the proposed changes to the terminology in the existing rules and vice-versa and to modify other systems or controls affected by these proposed changes.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Jeannette P. Tamayo
Deputy Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
(312) 814-4700; FAX (312) 814-8798
Jtamayo@revenue.state.il.us

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:
Within the proposed rulemaking, licensees will be required to maintain and submit numerous reports related to transactions involving ticket vouchering systems.

C) Types of professional skills necessary for compliance: None

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

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

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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3000.100 Definitions
3000.101 Invalidity
3000.102 Public Inquiries
3000.103 Organization of the Illinois Gaming Board
3000.104 Rulemaking Procedures
3000.105 Board Meetings
3000.110 Disciplinary Actions
3000.115 Records Retention
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3000.130 No Opinion or Approval of the Board
3000.140 Duty to Disclose Changes in Information
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3000.150 Owner's and Supplier's Duty to Investigate
3000.155 Investigatory Proceedings
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3000.170 Fair Market Value of Contracts
3000.180 Weapons on Riverboat

SUBPART B: LICENSES

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3000.200 Classification of Licenses
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3000.221 Other Required Forms
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3000.224 Economic Disassociation
3000.225 Business Entity and Personal Disclosure Filings
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3000.224 Economic Disassociation
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3000.230 Owner's Licenses
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3000.234 Acquisition of Ownership Interest By Institutional Investors
3000.235 Transferability Of Ownership Interest
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3000.270 Certification and Registration of Electronic Gaming Devices
3000.271 Analysis of Questioned Electronic Gaming Devices
3000.272 Certification of Voucher Systems
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3000.281 Transfer of Registration (Repealed)
3000.282 Seizure of Gaming Devices (Repealed)

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3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284 Disposal of Gaming Devices
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SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

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3000.300 General Requirements - Internal Control System
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SUBPART E: EXCURSIONS

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3000.500 Riverboat Cruises
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SUBPART F: CONDUCT OF GAMING

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3000.602	Disposition of Unauthorized Winnings
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3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
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3000.636	Distribution of Coupons for Complimentary Chips, Tokens, ~~and~~ Vouchers and Cash
3000.640	Exchange of Chips, ~~and~~ Tokens and Vouchers
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3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
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3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

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3000.700	Duty to Exclude
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3000.720	Criteria for Exclusion or Ejection and Placement on an Exclusion List
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3000.750 Establishment of an IGB Self-Exclusion List
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3000.770 Duties of Owner Licensees
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SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
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3000.1110 Board Action Against License or Licensee
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3000.1130 Discovery
3000.1135 Motions for Summary Disposition
3000.1139 Subpoena of Witnesses
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3000.1145 Evidence
3000.1146 Prohibition of Ex Parte Communication
3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at

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22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective 1/8/01; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg.15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; amended at 27 Ill. Reg. _____, effective _____.)

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. [230 ILCS 10]

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

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"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.
"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming-related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or

contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List, but is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The three-year period during which Vouchers may be redeemed for United States currency at a cashier's cage of a holder of an Owner's License.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.
"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.
"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

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"Indirect interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of $100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

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"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from, or transferred as value to a new Voucher issued by, an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

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"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.
"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that ~~which~~ will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

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"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer operatively connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a Coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and inter-faced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information, which if the System confirms that the Voucher is valid, then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

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

Section 3000.140 Duty to Disclose Changes in Information

a) Board licensees and applicants for licenses issued by the Board shall have a continuing duty to disclose promptly any material changes in information provided to the Board. The duty to disclose changes in information shall continue throughout any period of licensure granted by the Board. Board licensees or

applicants for licenses must maintain current release of information forms as originally submitted to the Board.

b) In addition to and without limiting disclosure of changes of information required under subsection (a), licensees and applicants for licensure shall periodically disclose ~~on forms provided by the Board,~~ changes in or new agreements, whether oral or written, relating to:

1) Lobbying, legal services, financial consulting services, and management consulting services;

2) Accounting, data processing and other financial and administrative services;

3) Construction contracts;

4) Installation, accounting or operation of Voucher Systems;

5) Installation, accounting or operation of Computer Monitoring Systems;

6) ~~4)~~ Agreements with or involving Key Persons and relatives of Key Persons;

7) ~~5)~~ Agreements to sell, grant, gift, pledge, hypothecate or otherwise transfer or share an ownership interest or interests in a holder of an Owner's License; and

8) ~~6)~~ Agreements to sell, grant, gift, pledge, hypothecate or otherwise transfer or share stock options, warrants, stock appreciation rights, or agreements in lieu thereof, relating to an ownership interest or interests or benefits of such ownership interest or interests in a holder of an Owner's License.

c) The failure to meet the requirements of subsection (a) or (b) may result in discipline up to and including revocation of a license.

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

Section 3000.165 Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees

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No holder of an Owner's license or officer, director, Key Person or Gaming employee thereof shall play or be permitted to play any Game at his facility. No such person shall be permitted to purchase or redeem Chips or Tokens for, acquire or redeem Vouchers for, or acquire Vouchers from any other person.

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

SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Subpart.

a) Owner's License. An owner of a Riverboat Gaming Operation is required to hold an Owner's license.

b) Supplier's License. The following persons or entities are required to hold a Supplier's License:

1) Gaming Operations Manager (individual or entity). All employees of a Gaming Operations Manager who have any duty, authority or function relating directly or indirectly to the Gaming Operation will be required to hold an Occupation License in accordance with subsection (c) of this Section.

2) Supplier of Gaming Equipment/Supplies, including a manufacturer, distributor, wholesaler, or retailer. All manufacturers of Electronic Gaming Devices, Chips, ~~and~~ Tokens, Voucher Systems, Voucher Validation Terminals, Voucher Printers, and Computer Monitoring Systems must be licensed as a Supplier regardless of whether the manufacturer uses an independent distributor or wholesaler to distribute its Equipment/Supplies.

3) Supplier of Gaming Equipment maintenance or repair services.

4) Supplier of security services.

5) Lessors of Riverboat and/or dock facilities.

6) Supplier of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

7) Junketeers.

8) Any other purveyor of goods or services to a Riverboat Gaming Operation, as deemed necessary by the Board.

c) Occupation License. A person employed at a Riverboat Gaming Operation is required to hold an Occupation License. An Occupation licensee may perform any activity included within the licensee's level of Occupation License or any lower level of Occupation License.

1) Occupation License, Level 1, includes the following positions, or their equivalent:

A) Audit Manager;

B) Casino Manager;

C) Chief of Security;

D) Chief of Surveillance;

E) Chief Financial Officer and/or Controller;

F) EDP Manager;

G) Electronic Gaming Device Manager;

H) General Manager; and

I) Table Games Manager.

2) Occupation License, Level 2. A Gaming or security/surveillance employee not required to hold an Occupation License, Level 1 under subsection (c)(1) of this Section.

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3) Occupation License, Level 3. An employee not required to hold an Occupation License, Level 1 or Level 2 under subsections (c)(1) and (c)(2) of this Section.

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

Section 3000.210 Fees and Bonds

All fees shall be submitted to the Board in the form of a check or money order made payable to the State of Illinois.

a) Application Fees. The following application fees must be paid upon the submittal of the application to which they relate:

1) Owner's license: $50,000.

2) Supplier's License: $10,000.

3) Occupation License, Level 1: $1,000.

4) Occupation License, Level 2: $200.

5) Occupation License, Level 3: $75.

b) Increased Application Fee. The application fee of an applicant may be increased to the extent that the cost of the investigation relating to the applicant exceeds the applicant's fee amount provided in subsection (a). Unless otherwise determined by the Administrator, no further action shall be taken with respect to the application until payment of the increased fee is received by the Board.

c) License Fees. The following annual license fees are due from Owners and Suppliers upon licensing. The annual Occupation License fees are due upon the first renewal of the license and thereafter upon renewal. If there is cause for an investigation relating to a license, the licensee shall pay the Board for the cost of the investigation.

1) Owner's license: $25,000 for the first year of operation, $5,000 for each succeeding year of licensure.

2) Supplier's License: $5,000.

3) Occupation License, Level 1: $50.

4) Occupation License, Level 2: $50.

5) Occupation License, Level 3: $50.

d) Holder of an Owner's license Bond

1) The form of the holder of an Owner's license surety bond required under Section 10 of the Act must be approved by the Administrator prior to its posting.

A) The bond shall state that it is exercisable if the licensee fails to comply with the obligations provided under Section 10 of the Act. The bond may provide that the liability of the surety is limited to the extent of the liability of the licensee.

B) The bond shall state that in the event it is to be modified or cancelled the surety shall notify the Board in writing at least 30 days prior to the date of such modification or cancellation.

C) The bond shall state that it shall run continuously and remain in full force and effect during the period of the licensee's licensure.

2) The bond shall be posted with the Board.

e) Technology Fee. As deemed necessary by the Administrator, an owner or supplier applicant or licensee may be billed directly or be required to reimburse the Board for any expenses, including any third-party expenses, associated with the testing, certification, installation, training, review, or approval of technology or technological enhancements to a Riverboat Gaming Operation.

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

Section 3000.270 Certification and Registration of Electronic Gaming Devices

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a) The Administrator will review all Electronic Gaming Devices for proper mechanical and electronic functioning. Before certification of an Electronic Gaming Device, the Administrator may employ the services of an independent ~~electronics~~ certification laboratory to evaluate the device.

b) After completing evaluations of the Electronic Gaming Device, the Administrator may certify the Electronic Gaming Device for registration.

c) Gaming shall be prohibited with any Electronic Gaming Device which has not been registered with the Board.

d) The holder of an Owner's License shall not operate in Illinois an Electronic Gaming Device unless the Electronic Gaming Device has an Illinois Gaming Board registration number.

e) The Supplier of the Electronic Gaming Device, after receiving the appropriate documentation, will reimburse the Board for any cost incurred in any evaluation process.

f) The holder of an Owner's License shall not alter the operation of registered Electronic Gaming Devices and shall maintain the Electronic Gaming Devices in a suitable condition. Each holder of an Owner's License shall keep a ~~written~~ list of any repairs made to Electronic Gaming Devices offered for play to the public. Repairs include, without limitation, replacement of parts that may affect the Game's outcome or the operation of a Voucher System. The holder of an Owner's License shall make the list available for inspection by the Administrator upon request.

g) The holder of an Owner's License shall keep a ~~written~~ list of the date of each distribution, the serial number of each Electronic Gaming Device, and the Illinois Gaming Board registration number.

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

Section 3000.272 Certification of Voucher Systems

a) The Administrator will review all Voucher Systems for proper mechanical and electronic functioning. Before certification of a Voucher System, the Administrator may employ the services of an independent certification laboratory to evaluate the system and components thereto.

b) After completing evaluations of the Voucher System, the Administrator may certify the Voucher System for use in Riverboat Gaming Operations.

c) The holder of an Owner's License shall not alter the operation of a certified Voucher System and shall maintain the Voucher System in an operable condition. Each holder of an Owner's License shall keep a list of any repairs made to the Voucher System. Repairs include, without limitation, replacement of parts that may affect the redemption of Vouchers or the operation of a Voucher System. The holder of an Owner's License shall make the list available for inspection by the Administrator upon request.

d) The holder of an Owner's License, after receiving the appropriate documentation, must reimburse the Board for any cost incurred in any certification or evaluation process.

e) The use of any Voucher System, including Voucher Validation Terminals, that has not been certified by the Board is prohibited.

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

Section 3000.285 Certification and Registration of Voucher Validation Terminals

a) The Administrator will review all Voucher Validation Terminals for proper mechanical and electronic functioning. Before certification of a Voucher Validation Terminal, the Administrator may employ the services of an independent certification laboratory to evaluate such Terminals.

b) After completing evaluations of a Voucher Validation Terminal, the Administrator may certify a Voucher Validation Terminal for registration.

c) Any holder of an Owner's License who possesses any Voucher Validation Terminal(s) shall have a registration tag issued by the Board securely affixed on each device.

d) Registration tags are not transferable from one Voucher Validation Terminal to another Terminal.

e) The holder of an Owner's License shall not alter the operation of registered

Voucher Validation Terminals and shall maintain each Voucher Validation Terminal in a suitable condition. Each holder of an Owner's License shall keep a list of any repairs made to each Voucher Validation Terminal. Repairs include, without limitation, replacement of parts that may affect the redemption of Vouchers or the operation of a Voucher System. The holder of an Owner's License shall make the list available for inspection by the Administrator upon request.

f) The holder of an Owner's License shall keep a list of the date of each distribution, the serial number of each Voucher Validation Terminal, and the Illinois Gaming Board registration number.

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

Section 3000.320 Minimum Standards for Internal Control Systems

a) Subject to the approval process outlined in Section 3000.310, the Internal Control System shall be updated in a timely manner to reflect changes made by the Owner Licensee in operating procedures, changes required by the Administrator and changes recommended by external or compliance auditors. Each Owner Licensee shall provide copies of its approved Internal Control System and any modifications of that system to the Administrator.

b) The Internal Control System shall include a detailed narrative description of the Owner Licensee's Gaming, administrative and accounting procedures, including without limitation separate sections comprehensively describing the specific procedures that the Owner Licensee will follow in meeting the requirements of Section 3000.300. The procedures shall discuss at a minimum, when applicable, the topics listed in subsection (c) of this Section. The Board will provide guidelines to further assist Owner Licensees in meeting the requirements of this Subpart by maintaining and making available to Owner Licensees and applicants its review guidelines entitled Minimum Internal Control Standards (MICS).

c) The Internal Control System shall address the following topics:

1) Submission, Approval, and Amendment of Internal Control System

2) General and Administrative

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A) General - Organization Chart and Job Duties

B) Management Information System (MIS)

3) Sensitive Key Controls

A) General - Location and Access

B) Sensitive Key Procedures

C) Sensitive Key Access List

D) Sensitive Key Log

E) Broken, Lost or Missing Keys

4) Live Games (Table Games)

A) Disposal of Live Gaming Devices, Equipment and Layout

B) Table Inventory

C) Opening of Gaming Tables

D) Shift Change at Gaming Tables

E) Closing of Gaming Tables

F) Table Fills

G) Table Credits

H) Accepting Cash at Gaming Tables

I) Markers Issued at Gaming Tables

J) Cards and Dice Control

K) Control over Table Layouts

L) Tips and Gratuities

M) Statistics

5) Rules of the Game - For Each Authorized Game Played

A) Object of Game and Method of Play

B) Physical Characteristics of Gaming Equipment and Table

C) Permissible Wagers and Payout Odds

D) Inspection Procedures for Gaming Equipment

E) Collection of Bets and Payout Procedures

F) Dispute Arbitration

G) Suspected Cheating Procedures

H) Dealer Relief

I) Suspected Defective or Malfunctioning Equipment

J) For Games Using Cards

i) Shuffling Procedures

ii) Card Cutting Procedures

iii) Dealing and Taking Card Procedures

iv) Burning Cards Procedures

6) Electronic Gaming Devices (EGDs)

A) General - EGD Access and Computer Monitoring Procedures

B) Voucher Systems

C) Printer Paper Replacement

D) ~~B)~~ Hopper Fills

E) ~~C)~~ Hand-Paid Payouts

F) ~~D)~~ Other EGD Occurrences

G) ~~E)~~ Issuance of Markers at EGDs

H) ~~F)~~ Location, Conversion and Movement of EGDs

I) ~~G)~~ Resetting/Clearing the Random Access Memory (R.A.M.)

J) ~~H)~~ Statistics

7) Live Games and EGD Drops and Counts

A) Drop Devices; Separate Drop and Count Procedures

B) Table Game Drop Box Characteristics

C) Emergency Table Game Drop Boxes

D) EDG Drop Bucket Characteristics

E) Bill Validator Drop Box Characteristics

F) Emergency Table Game Drop Boxes

G) Collection/Transportation of Drop Devices

H) Soft and Hard Count Rooms Characteristics

I) Count Standards

J) Weight Scale Standards (Hard Count)

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K) Counting and Recording Drops

8) Casino Cashiering and Credit

A) Fills, Credits, Markers, Payouts and Drops

B) Location and Functions

C) Casino Cage Accountability

D) Main Bank/Vault Accountability

E) Even Exchanges

F) Chip and Token Inventories

G) Credit Transactions

H) Issuance of Markers

I) Redemption and Consolidation of Markers

J) Redemption of Vouchers

K) ~~J)~~ Customer Deposits and Withdrawals

L) ~~K)~~ Check Cashing Privileges

M) ~~L)~~ Returned Checks

N) ~~M)~~ Other Cash Transactions

O) ~~N)~~ Redemption of Gratuities for Non-Gaming Employees

P) ~~O)~~ Exchange of Foreign Tokens

Q ~~P)~~ Coupon Redemption and Other Complimentary Distribution Programs

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9) Casino Accounting

A) Accounting Records

B) Controls over Locked Accounting Box

C) Storage of Unused Forms

D) Signature Records

E) Deposit of Admission Tax and Wagering Tax

F) Sensitive Key Logs

G) Complimentary Services

H) Procedures for Monitoring and Reviewing Gaming Operations

I) Casino Accounts Receivable

J) Monthly Reporting Requirements

10) Admissions

Admission Procedures and Computation of Admission Tax

11) Currency Transaction Reporting

A) Reporting Requirements, Federal and State Regulations, Alternative Systems

B) Reportable Transactions

C) Obtaining and Verifying Identification

D) Logging Cash Transactions

E) Circumvention of Currency Transaction Reporting Requirements

F) Currency Transaction Reports

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G) Surveillance Photographs

12) Internal Audit

A) Independent Internal Audit Department

B) Required Internal Audits

C) Reporting Guidelines

D) Review of Changes to the ICS

13) Surveillance

A) Independent Surveillance Department

B) Surveillance Room Access and Control

C) Daily Operations

D) Chain of Evidence

14) Security

A) Security Department
B) Notice to Gaming Board

C) Detailed Procedures for:

i) Case Number System/Incident Reports

ii) Lost Badges/Temporary Badges

iii) Visitor/Vendor Badges

iv) Use of Metal Detectors

iv) Fund Transfer Control

vi) Power Failure/Camera Outage

vii) Enforcement of Gambling Restrictions/21 Years Old Minimum

viii) Firearms Prohibition

ix) Alcohol Beverage Control

ix) Disorderly/Disruptive Patrons

x) Trespass Policy

xii) Handling of Emergencies

xiii) Eviction Procedures

15) Purchasing and Contract Administration

A) General - Purchases and Contracts, Leases, Management Contracts, Owners

B) Statement of Policy

C) Normal Purchasing Transactions

D) Capital Expenditures

E) Related Party Transactions

16) Forms

A) Forms Index

B) General - Forms Requirements

C) Signatures

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D) Control of Forms

E) Numbering

F) Manual Forms Dispensers

G) Voiding Forms

H) Forms Description

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

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards

a) Except as provided in subsections (b) and (c) of this Section, Riverboat Gaming Wagers may be made only with Electronic Credits, Tokens or Chips. ~~, Tokens or Electronic Cards approved by the Administrator and purchased from a holder of an Owner's license.~~ All Tokens and Electronic Cards must be approved by the Administrator and purchased from the holder of an Owner's license. Such Chips, Tokens or Electronic Cards may only be used as set forth in the owner licensee's Internal Control System. At the patron's option, Electronic Credits may either be used as a Wager on an Electronic Gaming Device or be withdrawn only in the form of Tokens and/or a Voucher issued from the Electronic Gaming Device.

b) Riverboat Gaming Wagers may be made with Electronic Credits acquired through the insertion of a Voucher issued by an Electronic Gaming Device authorized for wagering at a holder of an Owner's License, as set forth in the owner licensee's Internal Control System.

1) Prior to the Redemption Period, such Vouchers may, at the patron's option, be:

A) used to obtain electronic credits to place a wager in Electronic Gaming Devices registered with the Board;

B) withdrawn only in the form of Tokens or Vouchers from the Electronic Gaming Device; or

C) redeemed only for United States currency at a Voucher Validation Terminal or at the cage of a holder of an Owner's license.

2) At any time prior to the Expiration Date, such Vouchers may be redeemed for United States currency at the cage of a holder of an Owner's License.

c) Riverboat Gaming Wagers may be made with match play coupons issued by the holder of an Owner's license and approved by the Administrator. Such match play coupons may only be used in conjunction with the Wager of a Chip as set forth in the owner licensee's Internal Control System.

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

Section 3000.635 Issuance and Use of Tokens and Vouchers for Gaming

a) No holder of an Owner's License shall issue or cause to be utilized in a Riverboat Gaming Operation any Tokens for Gaming unless such Tokens are approved by the Administrator. In requesting approval of such Tokens, the holder of an Owner's License shall first submit to the Administrator a detailed schematic of its proposed Token which shall show its front, back and edge, its diameter and thickness and any logo, design or wording to be contained thereon, all of which shall be depicted on such schematic as they will appear, both as to size and location, on the actual Token. Once the design schematics are approved by the Administrator, no Token shall be issued or utilized until a sample of such Token is also submitted and approved by the Administrator.

b) A holder of an Owner's License may, with the approval of the Administrator, issue metal Tokens designed for Gaming. Such Tokens shall:

1) Clearly identify the name and location of the Riverboat Gaming Operation issuing them;

2) Clearly state t/he face value of the Token;

3) Contain the statement "Not Legal Tender";

4) Not be deceptively similar to any current or past coin of the United States or a foreign country;

5) Be of a size or shape or have other characteristics which will physically prevent their use to activate lawful vending machines or other machines designed to be operated by coins of the United States; and

6) Not be manufactured from a ferromagnetic material or from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core or from a copper based alloy except if the total zinc, nickel, aluminum, magnesium and other alloying metal exceeds 25 percent of the Token's weight.

c) Tokens approved for issuance by a holder of an Owner's License shall be:

1) Issued to a patron upon payment therefor, or in accordance with a complimentary distribution program authorized pursuant to the Act;

2) Capable of insertion into designated Electronic Gaming Devices operated by the holder of an Owner's License for the purpose of activating play;

3) Available as a payout from the hopper of ~~such~~ Electronic Gaming Devices equipped with a Token hopper; and

4) Redeemable by the patron in accordance with the Act.

d) A holder of an Owner's License may, with the prior approval of the Administrator, issue Vouchers through approved Voucher Printers in Electronic Gaming Devices. Such Vouchers shall:

1) Clearly identify the name and location of the Riverboat Gaming Operation issuing them;

2) Clearly identify the specific Electronic Gaming Device issuing them;

3) Contain a unique validation number, which number or code shall be automatically generated by or caused to be generated by the Voucher System and not be alterable by any mechanical, electronic, digital or other means prior to issuance;

4) Clearly state the face value of the Voucher in both words and numbers;

5) Contain a date and time of issuance;

6) Clearly state a 120 day Redemption Period during which the Voucher may be redeemed at an Electronic Gaming Device, Voucher Validation Terminal or cashier cage of a holder of an Owner's License;

7) Be available as a payout from Voucher equipped Electronic Gaming Devices connected to the Voucher System, provided that both the Electronic Gaming Device and the Voucher System are functioning;

8) Be individually printed for face values of not less than $0.01 and not more than $1,199.99;

9) Contain a bar code which shall enable the Voucher System to access and validate the alpha-numeric information contained in subsections (1) through (6) and display such information when the Voucher is redeemed, provided that only numeric information must be displayed on the System;

10) Clearly state that the Voucher may be redeemed for cash at the cashier cage of the holder of an Owner's License for three years from the date of issuance;

11) Clearly state the following: "Vouchers issued by another Riverboat may not be used, exchanged or redeemed at this Riverboat";

12) List the unique validation number on the leading edge of each Voucher issued from a Voucher Printer;

13) Not be deceptively similar to the currency of the United States or a foreign country;

14) Contain at least one anti-counterfeiting measure, such as a unique bar code, which shall appear on one or both sides of the Voucher; and

15) Be promptly redeemable by the patron in accordance with these Rules.

e) Vouchers must be capable of insertion into Voucher equipped Electronic Gaming Devices connected to the Voucher System for the purpose of issuing and redeeming Electronic Credits.

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

Section 3000.636 Distribution of Coupons for Complimentary Chips, Tokens, Vouchers and Cash

a) The holder of an Owner's license may, for specified marketing purposes, provide patrons of its Riverboat Gaming Operation coupons redeemable for omplimentary Chips, Tokens, or cash with the approval of the Administrator and subject to the following requirements:

1) The processes and procedures for the control, accountability and distribution of coupons for Chips, Tokens, or cash and for the redemption of such coupons are provided for in the holder of an Owner's license's Internal Control System and in conformance with the Internal Control System;

2) The aggregate dollar value of Chips, Tokens, or cash authorized for complimentary purposes is not excessive in light of the specific marketing objectives of the licensee; and

3) Periodic internal audits validate the integrity and accountability of the processes and procedures authorized and required under this Section.

b) Any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under this Part and the Act to be licensed as a Supplier.

c) The holder of an Owner's License may not use Vouchers as a complimentary item or in any marketing promotion nor issue or cause to be issued Vouchers, except as authorized pursuant to Section 3000.635(d).

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

Section 3000.640 Exchange of Chips, ~~and~~ Tokens, and Vouchers

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a) Chips shall be issued to a person only at the request of such person and shall not be given as change in any other transaction. Chips shall only be issued to Riverboat patrons at cashier's cages or at the Live Gaming Devices and shall be redeemed only at a cashier's cage.

b) Tokens shall only be issued upon the request of a patron from a cashier's cage, Token Dispenser or from employees of the holder of an Owner's License at the Electronic Gaming Device area. Tokens shall be redeemed only at a cashier's cage.

c) Vouchers shall only be issued by Voucher Printers in Electronic Gaming Devices.

(1) Prior to their Redemption Dates, Vouchers may be redeemed for:

(A) Electronic Credit at Electronic Gaming Devices, which Credit may then be redeemed as a new Voucher or in Tokens, for EGDs equipped for Tokens; and

(B) United States currency at Validation Terminals and a cashier cage at the holder of an Owner's License.

(2) Prior to their Expiration Dates, Vouchers may be redeemed for United States currency only at a cashier cage of the holder of an Owner's License.

d) ~~c)~~ Chips, ~~or~~ Tokens, or Vouchers shall only be redeemed by a holder of an Owner's License from its patrons and shall not be knowingly redeemed from any non-patron source, except where:

1) employees of the holder present for redemption Chips or Tokens as provided in the approved Internal Control System of the holder;

2) another holder of an Owner's License presents for redemption Tokens which have been lawfully received by that holder;

3) subject to approval by the Administrator, a person licensed to conduct Gaming in another jurisdiction presents for redemption Tokens which have been lawfully received by that person; or

4) the prior written approval for the redemption of the Chips or Tokens is obtained in each instance from the Administrator.

e) ~~d)~~ Each Riverboat shall promptly redeem its own Chips, ~~and~~ Tokens and Vouchers by cash or by check dated the day of such redemption on an account of the Riverboat as requested by the patron, except when the Chips, ~~and~~ Tokens and Vouchers were obtained or used unlawfully.

f) ~~e)~~ Each Riverboat may demand the redemption of its Chips, ~~or~~ Tokens or Vouchers from any person in possession of them and such person shall redeem said Chips, ~~or~~ Tokens or Vouchers upon presentation by the Riverboat Gaming Operation of an equivalent amount of cash or check dated the same day on an account of ~~by~~ the Riverboat.

g) ~~f)~~ Each Riverboat shall cause to be posted and remain posted in a prominent place:

1) On the front of a cashier's cage a sign that reads as follows: "Gaming Chips, Tokens or Vouchers issued by another Riverboat may not be used, exchanged or redeemed in this Riverboat"; ~~and~~

2) On Electronic Gaming Device Token redemption booths a sign that reads as follows: "Tokens or Vouchers issued by another Riverboat may not be used, exchanged or redeemed in this Riverboat;~~.~~" and

3) On Voucher Validation Terminals a sign that reads as follows: "Vouchers issued by another Riverboat may not be used, exchanged or redeemed in this Riverboat."

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

Section 3000.655 Destruction of Chips, ~~and~~ Tokens and Vouchers

a) Prior to the destruction of Chips the holder of an Owner's License shall notify the Administrator, in writing, of the date and the location at which the destruction will be performed, the denomination, number and amount of value Chips to be destroyed, the description and number of Non-Value Chips to be destroyed and a detailed explanation of the method of destruction. Unless otherwise authorized by the Administrator the destruction of Chips shall be carried out in the presence of at least two (2) individuals, one of whom shall be an agent of the Board. The

denomination, number and amount of Value Chips or, in the case of Non-Value Chips, the description and number so destroyed shall be recorded in the Chip inventory ledger together with the signatures of the individuals carrying out such destruction and the date on which said destruction took place.

b) The holder of an Owner's License shall submit to the Administrator for approval procedures to record the receipt, inventory, storage and destruction of Gaming Tokens.

c) The holder of Owner's License shall submit to the Administrator for approval procedures to record the physical destruction of Vouchers.

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

Section 3000.660 Minimum Standards for Electronic Gaming Devices

a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts Wagered, which must not be less than 80% nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

b) Electronic Gaming Devices shall, at a minimum:

1) Be controlled by a microprocessor or the equivalent;

2) Be compatible to on-line data monitoring;

3) Contain an EPROM or Non-Alterable Storage Media that has been approved by the Administrator subsequent to a review of the EPROM or Non-Alterable Storage Media by an independent laboratory designated by the Administrator;

4) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM and for all non-alterable storage media program storage that has an affect on the game's integrity; if using Non-Alterable Storage Media, provide a security device or protocol approved by the Administrator to guarantee program inaccessibility by other than by

an approved method and personnel and only in the presence of a Gaming Board agent.

5) Be able to continue a Game with no data loss after a power failure;

6) Have previous and current Game data recall;

7) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome, the amount Wagered, or upon the style or method of play;

8) Clearly display applicable rules of play and the payout schedule;

9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;

10) Have a complete set of nonvolatile meters including amounts wagered, amounts awarded, and United States currency, Vouchers, and Tokens dropped, and jackpots paid;

11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes;

12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage; and

13) If inter-faced with a Voucher System, meet the minimum requirements for a Voucher System as set forth in these Rules.

c) When an Electronic Gaming Device is unable to drop sufficient Tokens or issue a Voucher in a sufficient amount for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:

1) The location of the Electronic Gaming Device;

2) The date;

3) The time of day;

4) The Electronic Gaming Device number;

5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;

6) The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and

7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.

d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:

1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;

2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;

3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;

4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:

A) The amount shown on the progressive meter is paid to a player as a jackpot;

B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and

C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;

5) A holder of an Owner's license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.

e) The Administrator may approve for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:

1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.

2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.

3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.

4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.

5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to

prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.

6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.

f) The Administrator may approve for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:

1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.

2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.

3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.

4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.

5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.

6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming devices used in the Tournament.

g) The use of remote access is prohibited.

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

Section 3000.661 Minimum Standards for Voucher Systems

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A Voucher System shall, at a minimum:

a) Perform the following minimum functions to control access to the System:

1) Generate daily monitoring logs of user access, security incidents and unusual transactions, and immediately notify or cause to immediately notify the Board and the MIS department pursuant to the Owners Licensee's approved Internal Controls of critical security incidents and unusual transactions;

2) Assign rights and privileges to each user, including:

(A) allowance for the secure administration of user accounts to provide an adequate separation of duties; and

(B) adequate password parameters, such as lockout, minimum length, and expiration interval;

3) Use appropriate access protocols to restrict unauthorized users from viewing, changing or deleting critical files and directories;

4) Utilize encryption or password protection or equivalent security for files and directories containing critical or sensitive data. If encryption is not used, users shall be restricted from viewing the contents of such files and directories, which at a minimum shall provide for:

(A) the effective segregation of duties and responsibilities with regard to the system in the MIS Department; and

(B) the automatic monitoring and recording by the system of access by any person to such files and directories;

b) Perform the following minimum functions to control system operations:

1) validate the identity of those devices from which a transmission is received;

2) ensure that all data sent through a transmission is completely and accurately received; and

3) detect the presence of corrupt or instances of lost data and, as necessary, reject the transmission;

c) Perform the following minimum functions to control the integrity of data:

1) generate or cause to be generated a validation number for each Voucher, either utilizing a unique algorithm, or by such other method approved by the Administrator and the certification laboratory, which method shall prevent the ability to predict the composition of any other validation number generated by the system;

2) validate the data type and format of all inputs to critical fields and reject any corrupt data;

3) provide for the automatic and independent recordation of critical data upon issuance of a Voucher and redemption; and

4) provide for verification of the information contained on a Voucher presented for redemption and for the record of unredeemed Vouchers to a source that separately records and maintains transaction data, or such other compensating procedure as approved by the Administrator and the certification laboratory, which procedure shall independently verify the accuracy of the validation number and value prior to redeeming the Voucher;

d) Perform the following minimum functions to address business continuity:

1) utilize data redundancy techniques that ensure system data preservation;

2) utilize environmental controls, such as uninterruptible power supplies, and fireproof and waterproof materials to protect critical data from natural disaster; and

3) immediately notify or cause to immediately notify the Board pursuant to the owners licensee's approved Internal Controls and MIS of any malfunction that threatens the integrity of the Voucher System;

e) Insure that the, Voucher System is not capable of issuing or validating a duplicate Voucher on demand;

f) Insure that if the validation information cannot be sent to the Voucher System, an alternate method of payment be provided:

(1) by the Voucher System possessing unique features to identify duplicate Vouchers and prevent fraud by redeeming an unexpired and/or unvalidated Voucher that was previously issued by the EGD; or

(2) pursuant to the owner licensee's approved Internal Controls;

g) Insure that once the validation information is stored in the database, the data may not be altered in any way;

h) Insure that any device that holds Voucher information in its memory shall not allow removal of the information unless it has first transferred that information to the database or other secured component(s) of the Voucher System;

i) Insure that only designated Vouchers can be issued and redeemed;

j) Insure that each Voucher System is designed and is operated so as to prevent the use of counterfeit Vouchers, previously redeemed Vouchers, incomplete Vouchers, expired Vouchers, or Vouchers issued at other Riverboat Gaming Operations and by other holders of an Owner's License;

k) Insure that remote access be prohibited;

l) Insure that all Voucher transactions are retained for the prior three years, either on-line or in a media approved by the Administrator and capable of being restored to the Voucher System upon request;

m) Insure that Electronic Credits from a Voucher that are not evenly divisible by the minimum wager amount of an Electronic Gaming Device are issued to the patron in a Voucher for the full value of the fractional Electronic Credit;

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n) Insure that all Voucher transactions are retained for the prior three years, either on line or in a media approved by the Administrator and capable of being restored to the Voucher System upon request; and

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

Section 3000.665 Integrity of Electronic Gaming Devices

Electronic Gaming Devices shall, at a minimum:

a) With the exception of a Bill Validator that is part of the EGD, be cashless in operation; and as such, must accept only Electronic Credits or Tokens as wagers;

b) If equipped with a Bill Validator, accept the conversion of the value of cash, Tokens, Vouchers, or Electronic Cards to Electronic Credits for use as Wagers;

c) ~~b~~) Be electronic in design and operation and not be electro-mechanical or mechanical in operation;

d) ~~c~~) Not subject a player to physical hazards;

e) ~~d~~) Contain a surge protector on the line that feeds power to the Electronic Gaming Device. The battery backup or an equivalent for the electronic meters must be capable of maintaining accuracy of all information required for 180 days after power is discontinued from the Electronic Gaming Device. The backup shall be kept within the locked logic board compartment;

f) ~~e~~) Have an on/off switch that controls the electrical current used in the operation of the Electronic Gaming Device and any associated equipment, including a Voucher Printer, which shall be located in an accessible place within its interior;

g) ~~f~~) Be designed so that it shall not be adversely affected by static discharge or other electromagnetic interference;

h) ~~g~~) If capable of accepting or providing tokens, have ~~Have~~ at least one electronic Token acceptor. Token acceptors must be designed to accept designated Tokens and reject others. The Token receiver on an Electronic Gaming Device must be designed to prevent the use of cheating methods such as slugging, stringing, or spooning. All Token acceptors are subject to approval by the Administrator. Tokens accepted but which are inappropriate "token-ins" must be returned to the

player by activation of the hopper or credited toward the next play of the Electronic Gaming Device. The Electronic Gaming Device control program must be capable of handling rapidly fed Tokens so that occurrences of inappropriate "token-ins" are prevented;

i) Have no more than one Voucher Printer;

j) ~~h)~~ Not be readily accessible in its internal space of the Electronic Gaming Device when the front door is both closed and locked;

k) ~~i)~~ Have logic boards and EPROMS, or Non-Alterable Storage Media, in a locked area within the Electronic Gaming Device, sealed with evidence tape. The evidence tape must be affixed by an authorized Board agent and must include the date, signature and I.D. number of the agent. This tape may only be removed in the presence of an authorized Board agent. If using Non-Alterable Storage Media, provide a security device or protocol approved by the Administrator to guarantee program inaccessibility except in the presence of a Gaming Board agent and by a method other than those approved by the Administrator;

l) ~~j)~~ If capable of accepting or providing tokens, have ~~Have~~ a Token compartment contained in a locked area within or attached to the Electronic Gaming Device;

m) ~~k)~~ Not contain any hardware switches that alter the pay-tables or payout percentages in its operation. Hardware switches may be installed to control graphic routines, speed of play, and sound;

n) ~~l)~~ Contain an unremovable identification plate containing the following information, appearing on the exterior of the Electronic Gaming Device and on the Voucher Printer located in the Electronic Gaming Device:

1) Manufacturer;

2) Serial Number; and

3) Model Number;

o) ~~m)~~ Contain the rules of play for each Electronic Gaming Device displayed on the face or screen. No rules shall be incomplete, confusing, or misleading. Each Electronic Gaming Device must also display the credits wagered and the credits

awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this subdivision must be kept under glass or another transparent substance and at no time may stickers or other removable items be placed over this information;

p) ~~n~~) Have equipment that enables the Electronic Gaming Device to communicate with a Computer Monitoring System ~~central computer system~~ accessible to the Board, using an industry standard protocol data format approved by the Administrator;

q) ~~o~~) Be capable of continuing the current Game with all current Game features after a malfunction is cleared. This rule does not apply if an Electronic Gaming Device is rendered totally inoperable. The current Wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;

r) ~~p~~) Have attached a drop bucket housed in a locked compartment separate from any compartment of the Electronic Gaming Device;

s) ~~q~~) Be capable of detecting and displaying the following error conditions which an attendant may clear:

1) Token-in jam;

2) Token-out jam;

3) Hopper empty or time-out;

4) Program error;

5) Hopper runaway or extra Token paid out;

6) Reverse token-in;

7) Reel error; ~~and~~

8) Voucher Printer paper jam;

9) Voucher Printer low ink, if applicable;

10) Voucher Printer low on paper;

11) Voucher Printer Paper out/depleted, or comparable message;

12) Voucher Printer presentation error, or comparable message indicating that the Voucher Printer is unable to print completely and/or accurately;

13) Voucher Printer print failure;

14) Voucher Printer not connected/not communicating, or comparable message;

15) Voucher System interruption, or comparable message; and

16) ~~8)~~ Door open;

t) ~~r)~~ Use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the Electronic Gaming Device;

u) ~~s)~~ Display an Illinois Gaming Board registration number permanently imprinted, affixed or impressed on the outside of the Electronic Gaming Devices;

v) ~~t)~~ Have the capacity to display on the front of each Electronic Gaming Device its rules of play, character combinations requiring payouts, and the amount of the related payouts. In addition, the holder of an Owner's License shall display on each Electronic Gaming Device either:

1) A clear description of any merchandise or thing of value offered as a payout, including the cash equivalent value of the merchandise or thing of value offered, the dates the merchandise or thing of value will be offered if the holder of an Owner's License establishes a time limit upon initially offering the merchandise or thing of value and the availability or unavailability to the patron of the optional cash equivalent value; or

2) The name or a brief description of the merchandise or thing of value offered; provided, however, a sign containing the information specified in subparagraph 1) of this paragraph shall be displayed in a prominent location approved by the Board near the Electronic Gaming Device;

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w) Have a mechanical, electrical, or electronic device that automatically precludes a player from operating the Electronic Gaming Device after a jackpot requiring a manual payout and requires an attendant to reactivate the Electronic Gaming Device;

x) Maintain or have an approved device that can maintain a Bill History of at least the last ten bills or Vouchers vended;

y) In the event that an EGD has lost communication with the Voucher System, insure that, when a patron redeems electronic credits, the EGD must:

1) revert to an active hopper device; or

2) lockup and, after reset, result in a hand pay in accordance with procedures approved in the owner licensee's internal controls; or

3) issue no more than one voucher;

z) Insure that jackpots that require completion of a W2-G shall cause the EGD to lockup, and after reset, result in a hand pay in accordance with procedures approved in the owner licensee's internal controls;

(aa) Insure that the EGD is not capable of printing a new Voucher or reprinting a duplicate Voucher on demand;

(bb) Insure that the identification and value of the last 35 Vouchers issued by each Voucher Printer and last 10 Vouchers redeemed at each EGD is recorded and available for display; and

(cc) Insure that the EGD not have any devices, components or other apparatus to accept wagers or issue payouts that are not specifically authorized.

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

Section 3000.666 Bill Validator Requirements

a) Bill Validators shall be limited to accepting:

1) United States currency in denominations of not less than $1.00 and not

more than $100; and

2) Vouchers with a value of no less than $0.01 and no more than $1,199.99 in Unites States currency.

b) Bill Validators may only accept designated Vouchers.

c) ~~b)~~ Each bill or Voucher accepted by the Bill Validator shall be registered at its face value as a bill or Voucher vended and this information must interface ~~be provided through a communications interface to a cashier cage area on board the Riverboat, as well as being registered as such~~ with the Riverboat Gaming Operation's centralized, on-line computer monitoring system and Voucher System.

d) ~~c)~~ All currency and Vouchers accepted and stored within the Bill Validator shall be accessible only to designated Riverboat Gaming Operation personnel via an externally locked compartment door which does not allow for access to the Electronic Gaming Device door.

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

Section 3000.667 Integrity of Voucher Systems

Voucher Systems, including Voucher Validation Terminals, shall:

a) Be approved by the Administrator prior to their use at a Riverboat Gaming Operation;

b) Be approved by the Administrator prior to any programming changes or upgrades to an approved Voucher System;

c) Ensure against manipulation, alteration, or change of the approved Voucher System;

d) Be operated in such a manner as to cause immediate notification to the Board of any malfunction that affects the integrity of the Voucher System;

e) Provide for on-line real-time monitoring; and

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f) Be subject to testing by an independent laboratory and review by the Board as deemed necessary or appropriate to ensure the continued integrity of the Voucher System or any of its component parts.

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

Section 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

a) The holder of an Owner's License must have a computer connected to all Electronic Gaming Devices in the Riverboat to record and monitor the activities of such devices. No Electronic Gaming Devices shall be operated unless it is on-line and communicating to a Computer Monitoring System ~~computer monitoring system~~ approved by the Administrator. Such Computer Monitoring System ~~computer monitoring system~~ shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Administrator.

b) The computer system permitted by subsection (a) of this Section shall be designed and operated to automatically perform and report functions relating to Electronic Gaming Device meters, and other exceptional functions and reports in the Riverboat as follows:

1) Record the number and total value of United States currency, Tokens or Vouchers placed in the Electronic Gaming Device for the purpose of activating play;

2) Record the number and total value of Tokens deposited in the drop bucket of the Electronic Gaming Device;

3) Record the number and total value of Tokens automatically paid by the Electronic Gaming Device as the result of a jackpot;

4) Record the number and total value of Tokens to be paid manually as the result of a jackpot;

5) Record the number and total value of Vouchers issued by the Electronic Gaming Device;

6) Record the number and total value of Vouchers and currency received by the Electronic Gaming Device;

7) ~~5)~~ Have an on-line computer alert, alarm monitoring capability to insure direct scrutiny of any device malfunction, any type of tampering, and any open door to the Electronic Gaming Device, ~~or~~ drop area or Voucher Printer. In addition, any person opening the Electronic Gaming Device or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry;

8) ~~6)~~ Be capable of logging in and reporting any revenue transactions not directly monitored by Token meter, such as Tokens placed in the Electronic Gaming Device as a result of a fill, and any Tokens removed from the Electronic Gaming Device in the form of a credit; and

9) ~~7)~~ Identify any Electronic Gaming Device taken off-line or placed on-line of the computer monitor system, including date, time, and Electronic Gaming Device identification number.

c) The holder of an Owner's License shall store, in machine-readable format, all information required by subsection (b) for the period of five years. The holder of an Owner's License shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available in the format and media approved by the Administrator.

d) In addition to the requirements of subsection (c), the owner licensee shall store, in machine-readable format and by date, time and type of occurrence, all exceptions or events that result in an Electronic Gaming Device malfunction or tilt for a period of 21 days.

e) The secured office facilities for the sole accessibility of Board personnel provided in accordance with Section 3000.810 of these rules shall house a dedicated computer monitoring line which provides computer accessibility to Board personnel to review, monitor and record data identical to that specified in this Section.

f) The use of remote access is prohibited.

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

Section 3000.671 Computer Monitoring Requirement of Voucher Systems

a) A Voucher System shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Administrator.

b) A Voucher System shall be designed and operated to automatically perform and report functions relating to the issuance, validation, redemption and accounting for Vouchers as follows:

1) Record the validation numbers and value of Vouchers issued by each Electronic Gaming Device;

2) Record the validation numbers and value of Vouchers redeemed in each Electronic Gaming Device for Electronic Credits;

3) Record the validation numbers and value of Vouchers redeemed at locations other than Electronic Gaming Devices;

4) Record the identification and value of each Voucher that is not redeemed prior to its Expiration Date; and

5) Calculate the Voucher Float.

c) The holder of an Owner's License shall store, in machine-readable format, all information required by subsection (b) for a period of three years. The holder of an Owner's License shall store all information in a secure area and certify that this information is complete, accurate and unaltered. This information shall be available in the format and media approved by the Administrator.

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

Section 3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion

a) A person seeking placement on the Self-Exclusion List shall, at the time of the request to be placed on the List, agree to forfeit all jackpots ~~$1,200 or over~~**,** chips or tokens in play or in plain view, ~~non-complimentary Pay~~ Vouchers, and electronic credits in his or her possession or control as a sanction for entering the gaming area of a riverboat gaming operation after voluntary placement on the Self-Exclusion List.

b) Such person shall designate, at the time of his or her request for placement on the

Self-Exclusion List, the duly registered charitable or governmental agency on a list of gambling support service and/or treatment providers approved by the Department of Human Services that shall receive a donation of assets listed in Subsection (a), in the future, if and when the self-excluded person enters the gaming area of a riverboat gaming operation.

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

Section 3000.770 Duties of Owner Licensees

a) No licensee shall knowingly allow any person placed on the Self-Exclusion List pursuant to Section 3000.750 to enter the gaming premises of, or engage in gambling at, the riverboat gaming operation. The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all mailing, marketing or promotional lists or databases, except as provided in this Part. No licensee shall knowingly send marketing or promotional materials to any person placed on the Self-Exclusion List.

b) Owner licensees shall maintain, pursuant to Section 3000.760, a system designed to detect persons on the Self-Exclusion List so as to enforce this Part.

c) An owner licensee must notify immediately an IGB agent upon making a preliminary determination that a person listed on the Self-Exclusion List has entered the gaming premises of a riverboat gaming operation and remove such person from the gaming area. A licensee must determine as expediently as possible, and to the extent practicable, whether there are any jackpots $1,200 or over due the self-excluded person and if there are any chips, tokens, ~~Non-complimentary Pay~~ Vouchers, or electronic credits in play by the self-excluded person or in plain view in the possession or control of the self-excluded person at the time he or she is apprehended in a gaming area and provide such information to the IGB agent. Owner licensees shall refrain from knowingly paying out jackpots under $1,200 and from paying out all jackpots in amounts of ~~in excess of $1,199~~ $1,200 or over won by patrons on the Self-Exclusion List because those jackpots are subject to forfeiture.

d) The riverboat gaming operation shall cause the name and address of any person on the Self-Exclusion List to be flagged on all check-cashing, credit issuance, and other financial eligibility lists or databases utilized by the riverboat gaming operation for any purposes, except as authorized by this Part. Owner licensees

shall not knowingly cash checks for, extend gaming operation credit to, or otherwise assist a person on the Self-Exclusion List to obtain funds for gambling purposes.

e) Upon ascertaining that a person on the Self-Exclusion List is on the gaming premises, an owner licensee must inventory, in the presence of an IGB agent, and provide a receipt to the self-excluded person for, all jackpots required to be documented ~~$1,200 or over~~, chips or tokens in play or in plain view, ~~Non-Complimentary Pay~~ Vouchers, and electronic credits, in the possession or control of the self-excluded person.

f) An owner licensee may, at its discretion, opt to exclude persons on the Self-Exclusion List from the riverboat gaming operation entirely, rather than just its gaming areas.

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

SUBPART H: SURVEILLANCE AND SECURITY

Section 3000.800 Required Surveillance Equipment

The holder of an Owner's License shall install in the Riverboat a closed circuit television system in accord with the specifications herein and shall provide access to the system or its signal by the Board. The closed circuit television must meet or exceed the following specifications:

a) Solid state, black and white cameras, 2/3, 1/2, 1/3 or 1/4 format, with minimum 400 plus line resolution installed in fixed positions with matrix control and/or with pan, tilt and zoom capabilities, secreted from public and non-surveillance personnel view to effectively and clandestinely monitor in detail, from various vantage points, the following:

1) The Gaming conducted at the Electronic Gaming Devices;

2) The master display board and the number or ball selection device for Keno;

3) The count processes conducted in the count rooms;

4) The movement of cash, Chips, drop boxes, tip boxes, Token storage boxes, and drop buckets within the Riverboat and any area of transit of uncounted Tokens, Chips, cash and cash equivalents;

5) Any area where Tokens or Chips can be purchased, Vouchers issued, or Tokens, Chips or Vouchers redeemed, including but not limited to Voucher Validation Terminals and cage cashiers at a holder of an Owner's License;

6) The entrance and exits to the Riverboat and the count rooms;

7) For all live Games regardless of patron or employee position:

A) Hands of all Gaming patrons and dealers;

B) Tray; and

C) Overall layout of the table area capable of capturing clear individual images of Gaming patrons and dealers, inclusive of, without limitation, facial views and the playing surface so that the outcome of each Game may be clearly observed;

8) Such other areas as the Administrator designates;

b) Individual solid state, color, television cameras, 2/3, 1/2, 1/3 or 1/4 format, with minimum 320 plus line resolution with matrix and/or pan, tilt and zoom capabilities, secreted from public and non-surveillance personnel view augmented with appropriate color corrected lighting to effectively and clandestinely monitor in detail, from various vantage points, the following:

1) Roulette tables, in a manner to clearly observe the Wagers, patrons, and the outcome of each Game;

2) The operations conducted at the fills and credit area of the cashier's cage(s);

c) All closed circuit cameras equipped with lenses of sufficient magnification to allow the operator to clearly distinguish the value of the Chips, Tokens and playing cards;

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Video monitors that meet or exceed the resolution requirement for video cameras with solid state circuitry, and time and date insertion capabilities for taping what is being viewed by any camera in the system. Each video monitor screen must measure diagonally at least 12 inches and all controls must be front mounted;

e) Video printers capable of adjustment and possessing the capability to generate instantaneously, upon command, a clear, color and/or black and white, copy of the image depicted on the videotape recording;

f) Date and time generators based on a synchronized, central or master clock, recorded on tape and visible on any monitor when recorded;

g) Wiring to prevent tampering. The system must be supplemented with a back-up gas/diesel generator power source which is automatically engaged in case of a power outage and capable of returning to full power within seven to ten seconds;

h) An additional uninterrupted power supply system so that time and date generators remain active and accurate, and switching gear memory and video surveillance of all riverboat entrances/exits and cage areas is continuous;

i) Video switchers capable of both manual and automatic sequential switching for the appropriate cameras;

j) Videotape recorders capable of producing high quality first generation pictures with a horizontal resolution of a minimum of 240 plus lines non-consumer, industrial grade, and recording on a standard 1/2 inch, V.H.S. tape with high-speed scanning and flickerless playback capability in real-time (23 to 30 frames per second). Such videotape recorders must possess time and date insertion capabilities for taping what is being viewed by any camera in the system;

k) Audio capability in the soft count room; and

l) Adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear videotape and still picture production, and correct color correction where color camera recording is required. The video must demonstrate a clear picture, in existing light under normal operating conditions.

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

Section 3000.1010 Accounting Records

The holder of an Owner's license shall keep, in accordance with the retention schedule, and provide to the Board upon request the following records:

a) The accounting records shall be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed and subsidiary records.

b) The Administrator shall prescribe a uniform chart of accounts including account classifications in order to insure consistency, comparability, and appropriate disclosure of financial information. The prescribed chart of accounts shall be maintained for each accounting classification by the holder of an Owner's license.

c) The detailed subsidiary records shall include as a minimum the following:

1) Detailed general ledger accounts identifying all revenue sources, expenses, assets, liabilities and equity for the holder of an Owner's license;

2) Records of all investments, advances, loans and receivable balances, other than patron checks, due the establishment;

3) Record of all loans and other amounts payable by the holder of an Owner's license;

4) Record of all patron checks initially accepted by the holder of an Owner's license, deposited by the owner, returned to the owner as "uncollected" and ultimately written-off as uncollectible by the holder of an Owner's license;

5) Journal entries prepared by the holder of an Owner's license and the independent accountant selected by the Administrator;

6) Tax workpapers used in preparation of any state or federal tax return;

7) Records that identify Table Drop, Table Win and percentage of Table Win to Table Drop for each live table Game and those records accumulated for

each type of live table Game, either by shift or other accounting period approved by the Administrator;

8) Records that identify the actual tokens-in, tokens-out, Vouchers issued, Vouchers redeemed, Electronic Gaming Device Drop, Electronic Gaming Device Win, Electronic Gaming Device Win to Electronic Gaming Device Drop and Theoretical Payout Percentage for each Electronic Gaming Device on a per day basis or other accounting period approved by the Administrator;

9) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to patrons in the normal course of an owner's business shall be recorded at an amount based upon the full retail price normally charged for such service or item;

10) Records that identify the purchase, receipt, and destruction of Gaming Chips and Tokens from all sources;

11) Records required to fully comply with all the federal financial record-keeping requirements as enumerated in 31 CFR 103;

12) Records required by the holder of an Owner's license's Internal Control System;

13) Workpapers supporting the daily reconciliation of cash accountability;

14) Records concerning the acquisition or construction of a proposed or existing Riverboat or Support Facility; and

15) Any other records that the Administrator requires be maintained.

d) If a holder of an Owner's license fails to maintain the records used by it to calculate the adjusted gross receipts or the number of persons admitted on the riverboat, the Administrator may compute and determine the amount upon the basis of an audit conducted by the Board based upon available information.

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

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Section 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit

a) Except as otherwise provided in this Section, no holder of an Owner's License shall make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in Gaming activity. The failure to deposit for collection a negotiable instrument by the next banking day following receipt shall be considered an extension of credit.

b) A holder of an Owner's License may extend credit to a patron only in the manner(s) provided in its Internal Control System approved by the Administrator.

c) The Internal Control System shall provide:

1) Each credit transaction is promptly and accurately recorded in appropriate credit records;

2) Credit may be extended only in a commercially reasonable manner considering the assets, liabilities, prior payment history and income of the patron;

3) Policies and procedures for the authorization and issuance of check cashing privileges which shall ensure that all patrons who cash personal checks over $500 establish check cashing privileges. These procedures shall include the approval process for establishing these privileges and setting check cashing limits;

4) Only the following checks may be cashed at a casino cage:

A) Personal checks;

B) Cashier's checks;

C) Money orders;

D) Credit Card Advance Checks;

E) Traveler's checks; and

F) Wire transfer service checks.

d) No credit shall be extended beyond 30 days. In the event that a patron has not paid a debt created under this Section within 30 days, a holder of an Owner's License shall not further extend credit to the patron while such debt is outstanding.

e) A holder of a Owner's License shall be liable as an insurer for all collection activities on the debt of a patron, whether such activities occur in the name of the owner or a third party.

f) The holder of an Owner's License shall provide to the Administrator a monthly report detailing credit issued and outstanding, collection activities taken and settlements of all disputed checks and disputed credit card charges.

g) The value of Chips or Tokens issued to a patron upon the extension of credit, the receipt of a check or other instrument or via a complimentary distribution program shall be included in the computation of Gross Receipts.

h) A holder of an Owner's License may not issue nor cause to be issued a Voucher as a means of extending credit.

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

Section 3000.1060 Handling of Cash at Gaming Tables

a) Each Gaming employee who receives any cash or cash equivalents from a patron in the Gaming area shall promptly place the currency in the drop box.

b) No cash wagers or Vouchers shall be allowed to be placed at any Gaming table. Such cash or Voucher shall be converted to Chips prior to acceptance of a wager.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Camping on Department of Natural Resources Properties

2) Code Citation: 17 Ill. Adm. Code 130

3)

Section Numbers:	Proposed Action:
130.70	Amendment
130.135	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

5) A Complete Description of the Subjects and Issues Involved: Section 130.70 is being amended to add language stating that the deposit at Pere Marquette will be retained until a complete inspection is made of the facilities. If damages warrant, this deposit will not be refunded. The fees for day use of the group camps at Dixon Springs and Pere Marquette are being changed from $45 to $50. Section 130.135 is being amended to update the Department's address.

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 proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Stanley Yonkauski, Jr.
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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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: January 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section
130.10 Location
130.20 Purpose of Campground
130.30 Classification of Camps by Equipment Used - Definitions
130.40 Definition of a Camp
130.50 Registrations
130.60 Permits, Extensions and Time Limits
130.70 Fees and Charges
130.80 Refunds
130.90 Check-in and Check-out Times
130.100 Unoccupied Camps
130.110 Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120 Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130 Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135 Campground Host Program
130.140 Use of Campground
130.150 Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. _____, effective _____.

Section 130.70 Fees and Charges

a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:

1) Spring - Summer Camping (May 1 through September 30)

A) Class AA Sites: Camping fee of $12 per night per site, $3 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.

B) Class A Sites: Camping fee of $8 per night per site, $3 utility fee. Sites having availability to showers, electricity and vehicular access.

C) Class B-E Sites: Camping fee of $7 per night per site, $3 utility fee. Sites having availability to electricity and vehicular access.

D) Class B-S Sites: Camping fee of $8 per night per site. Sites having availability to showers and vehicular access.

E) Class C Sites: Camping fee of $7 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.

F) Class D Sites: Camping fee of $6 per night per site. Tent camping or primitive sites with no vehicular access.

G) Youth Group Camping: $1 per person, minimum daily camping fee of $10.

H) Adult Group Camping: $2 per person, minimum daily camping fee of $20.

I) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park and Pere Marquette State Park shall pay a fee of $4 per night. At Dixon Springs, a deposit of $40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of $100 will be required before confirmation of a reservation. The deposits will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit ~~will be credited to the total camping fee~~. Fees for day use of the group camps at Dixon Springs and Pere Marquette shall be $50 ~~$45~~ per day.

J) Rent-A-Camp Sites will be made available at designated state parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of $8 and $12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of $8 or $12 per night in addition to the fee for the Class A Campsite.

Rent-A-Camp Tent at Class A Sites:

$8 or $12 plus $3 utility fee and $8 camping fee per night per site at all sites having availability to showers, electricity and vehicular access.

K) Rent-A-Camp Cabin areas will provide, at an additional fee of $24 per night, one 2 bedroom cabin with 2 bunk beds, one full-sized

bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee of $24 per night in addition to the fee for the class of the camping site on which the Rent-A-Camp Cabins are located.

Rent-A-Camp Cabins at Class A Sites:

$24 cabin rental plus $3 utility fee and $8 camping fee per night, per site at all sites having availability to showers and vehicular access.

L) A $5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the $5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made for individual campsite reservations.

The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the $5 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent campsites.

2) Fall - Winter Camping (October 1 through April 30)

A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

B) When cold weather requires closing down buildings and shutting off water in Class AA, A or B-S campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.

C) The fee for primitive campsites shall be $6 per site. When a

change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.

b) Exceptions: Employees, Concessionaires, and Special Legislation

1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.

2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.

3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday or Thursday, at Class A and B sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class A and B sites on any Monday, Tuesday, Wednesday

or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.

C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

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

Section 130.135 Campground Host Program

a) Purpose of host - The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.

b) Pertinent information and qualifications

1) The Department will compensate hosts $1 per day for the days hosts work, and will provide free camping privileges while performing duties in the campground.

2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.

3) A host shall have camping experience.

4) A host shall serve for a minimum of 4 weeks.

5) Illinois residents will be given first priority for host positions.

6) A host shall have a valid driver's license.

7) A host shall be at least 21 years of age.

8) A host shall be available in the park to assist visitors 35 hours per week, usually over a 5 day period. Weekends and holidays are mandatory days for duty in the program.

9) A host shall be on duty and work during all kinds of weather.

c) Location of host campgrounds

1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.

2) A current listing of designated host campground sites will be provided with the application.

d) Number of hosts per park

A individual or couple may act as host(s). Most parks have one campsite designated and a few larger parks may have more campsites.

e) Duties and responsibilities of a host

1) A host shall be a visible representative of the Department with knowledge of rules and regulations.

2) A host shall be informed about the park setting and activities available in the area.

3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.

4) A host shall be observant for activities within the campground that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)

5) A host shall replenish restroom supplies when the park staff are not present.

6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.

f) How to apply

1) Interested persons may obtain a campground host application from a Department office or write: Illinois Department of Natural Resources, Campground Host Coordinator, One Natural Resources Way, Springfield IL 62702-1271 ~~524 S. Second Street, Lincoln Tower Plaza, Springfield, Illinois 62701-1787~~.

2) Interested persons may complete the application and return it to the above address.

g) When to apply

1) Applications are accepted year round and filled as positions open. If a position is open, applicants ~~applicant(s)~~ will be contacted for an interview.

2) Recruitment for the summer season occurs from March to June.

h) Hiring campground host and/or hostess

1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suited candidates ~~candidate(s)~~ for this position.

2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicants ~~applicant(s)~~ shall include, but not be limited to, the following:

A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.

B) Previous experience in maintenance and report work.

C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULE

1) Heading of Part: Illinois Pesticide Act

2) Code Citation: 8 Ill. Adm. Code 250

3) Section Numbers: Adopted Action:
250.210 New Section

4) Statutory Authority: 415 ILCS 60

5) Effective Date of Amendments: March 18, 2003

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 material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notices of Proposal Published in Illinois Register: January 3, 2003; 27 Ill. Reg. 1

10) Has JCAR issued a Statement of Objections to this rule? 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? N/A

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The West Nile Virus was detected within the borders of the State of Illinois in 2002 and continues to pose a significant threat to the health and welfare of its citizens. Mosquitoes carry and spread the virus. Thus, it is in the best interest of the citizens of the State to ensure that timely and effective mosquito abatement actions can occur through an expedited pesticide application training and licensure process. The Department of Agriculture developed an emergency rule that was adopted in 2002 that allowed for the application of specific product types for the abatement of mosquito larva through an expedited training process. This rulemaking

would make permanent a similar process in the State's certification and licensing program. The present testing and licensing program for pesticide applicators would be amended to include special provisions for individuals that only apply certain types of larvacides through a targeted training program provided by currently licensed applicators. Only the use of the specifically identified product types would be allowed under this expedited process.

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

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULE

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER I: PESTICIDE CONTROL

PART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation Violation of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides

Authority: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

Source: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULE

August 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5715, effective March 18, 2003 .

Section 250.210 Special Application of Solid Mosquito Larvicides

a) Any person who receives training pursuant to subsection (b) of this Section from an individual possessing a current category 8 Public Health Pest Control applicator license issued by the Department may apply a mosquito larvicide product for the control of mosquitoes that meets all of the following without further compliance with the licensing provisions of this Part:

1) the signal word contained on the product is "CAUTION";

2) the product application method is limited to simply placing a pre-packaged solid product, such as briquets, pellets, or granules, at the application site; and

3) a review of the specific product's label was included in the training program described in subsection (b) of this Section.

b) The training shall be not less than one hour in duration and shall include a review of the product labels, including use restrictions, application rates, application methods, first aid, storage and disposal, potential environmental hazards and any other information deemed appropriate by the trainer for the safe and effective use of the mosquito control materials identified in subsection (a) of this Section.

c) Upon completion of the training, the trainer shall immediately provide to the Department a complete listing, including name, address, telephone number, birth date, and employer, of all individuals who received the training and are thus eligible to apply only the specific mosquito control materials set forth in this Section.

d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date and a legible copy of the specific product label or labels utilized in the training session.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULE

e) An individual trained to apply a mosquito larvicide under the provisions of this Section may only apply the specific mosquito larvicide or larvicides included in the training described in this Section and may only make applications during the calendar year in which the training was received.

f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Added at 27 Ill. Reg. 5715, effective March 18, 2003)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: Construction of Electric Power and Communication Lines

2) Code Citation: 83 Ill. Adm. Code 305

3) Section Numbers: Adopted Action:

305.20 Amendment

4) Statutory Authority: Implementing Section 8-505 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-505 and 10-101].

5) Effective Date of Amendments: June 15, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendment, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

04/26/02, at 26 Ill. Reg. 5810

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

Corrected dates in the Main Source note, replacing "April 6" with "April 15" and "December 13, 1993" with "February 15, 1994".

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 required.

13) Will these amendments replace an emergency amendment currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments?

83 Ill. Adm. Code 305, "Construction of Electric Power and Communication Lines," contains the Commission's rules concerning the clearance of lines. Part 305 incorporates by reference portions of the National Electrical Safety Code. The 2002 edition is now available, and it is appropriate to update the Commission's rules incorporating the Code.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 305

CONSTRUCTION OF ELECTRIC POWER AND COMMUNICATION LINES

Section	
305.10	Policy
305.20	Scope and Incorporation by Reference of Portions of the National Electrical ~~Electric~~ Safety Code (NESC)
305.30	General Rules
305.40	Application
305.50	Certificates of Public Convenience and Necessity
305.60	Notification Procedure for Applications
305.70	Advance Notice and Cooperation
305.80	Interchange Data
305.90	Coordinated Locations of Lines
305.100	Overbuilding or Underbuilding
305.110	Exceptions and Additions to NESC Provisions
305.120	Intent
305.130	Exemption
305.Table A	Vertical Separation of Crossarms Carrying Conductors

AUTHORITY: Implementing Section 8-505 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-505 and 10-101].

SOURCE: Effective June 1, 1963; rules repealed at 8 Ill. Reg. 19750, effective October 1, 1984; new Part adopted at 8 Ill. Reg. 19943, effective October 1, 1984; amended at 9 Ill. Reg. 11803, effective July 25, 1985; amended at 16 Ill. Reg. 6180, effective April 15, 1992; amended at 17 Ill. Reg. 22043, effective February 15, 1994; amended at 27 Ill. Reg. 5720, effective June 15, 2003.

Section 305.20 Scope and Incorporation by Reference of Portions of the National Electrical ~~Electric~~ Safety Code (NESC)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

a) This Part shall apply to electric utilities and those telecommunications carriers subject to Section 8-505 of the Public Utilities Act ~~(Ill. Rev. Stat. 1991, ch. 111 2/3, par. 8-505)~~ [220 ILCS 5/8-505].

b) The Illinois Commerce Commission adopts as its rules the following portions of the National Electrical ~~Electric~~ Safety Code C2-2002 (2002 ~~1993~~ edition, approved June 4, 2001 ~~July 10, 1992~~, published by the Institute of Electrical ~~Electric~~ and Electronics ~~Electronic~~ Engineers, Inc., 3 Park Avenue, New York NY 10016-5997 ~~445 Hols Lane, P.O. Box 1331, Piscataway NJ 08855-1331~~):

1) Section 2 (Definitions of Special Terms);

2) Section 9 (Grounding Methods of Electric Supply and Communications ~~Communication~~ Facilities);

3) Part 2 (Sections 20-27: Safety Rules for the Installation and Maintenance of Overhead Electric Supply and Communication Lines); and

4) Part 3 (Sections 30-39: Safety Rules for the Installation and Maintenance of Underground Electric Supply and Communication Lines).

c) No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 27 Ill. Reg. 5720, effective June 15, 2003)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Provision of Advanced Telecommunications Services

2) Code Citation: 83 Ill. Adm. Code 733

3)

Section Numbers:	Adopted Action:
733.10	New Section
733.20	New Section
733.30	New Section
733.40	New Section
733.100	New Section
733.105	New Section
733.110	New Section
733.120	New Section
733.130	New Section
733.140	New Section
733.150	New Section
733.160	New Section

4) Statutory Authority: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517].

5) Effective Date of rules: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted rules, including any materials incorporated by reference, is on file in the Commission's Springfield office.

9) Notice of Proposal Published in Illinois Register:

11/15/2002, at 26 Ill. Reg. 16682

10) Has JCAR issued a Statement of Objections to these rules? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

11) Difference(s) between proposal and final version:

In the Table of Contents: add Section 733.105.

Section 733.40: Delete originally proposed subsection (c).

Add Section 733.105 to text of the rules.

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 required.

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules?

PA 92-0022 added Section 13-517 of the Public Utilities Act. Section 13-517(a) requires that every Incumbent Local Exchange Carrier (ILEC) offer or provide advanced telecommunications services to not less than 80% of its customers by January 1, 2005. Advanced telecommunications services are defined as services that are capable of supporting, in at least one direction, transmission speeds in excess of 200 kilobits per second (kpbs) to the network demarcation point at the customer's premises. Section 13-517(b) authorizes the Commission to grant full or partial waivers of this requirement to any ILEC that demonstrates that compliance with Section 13-517(a) would be "…unduly economically burdensome or technically infeasible or otherwise impracticable in exchanges with low population density". Section 13-517(b) also authorizes the Commission to establish by rule standards for the grant of any full or partial waiver of the requirements of Section 13-517(a).

The rules define relevant terms used in the Part. There is a mechanism for ILECs to report to the Commission on the deployment of advanced telecommunications services. Subpart B provides the procedures to be used in seeking a waiver of the statutory requirements, including deadlines for the applications for waiver and the content of the waiver application and standards for the applicaton of waivers.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 733
PROVISION OF ADVANCED TELECOMMUNICATIONS SERVICES

SUBPART A: GENERAL PROVISIONS

Section
733.10 Applicability
733.20 Definitions
733.30 Provision of Advanced Telecommunications Services
733.40 Monitoring

SUBPART B: WAIVERS

Section
733.100 Waiver
733.105 Application of Waiver Standards
733.110 Notice of Application for Waiver
733.120 Deadline for Application for Waiver
733.130 Application for Waiver
733.140 Prepared Direct Testimony
733.150 Commission Action Upon Petition
733.160 Reconsideration of Waiver

AUTHORITY: Implementing and authorized by Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517].

SOURCE: Adopted at 27 Ill. Reg. 5724, effective April 1, 2003.

SUBPART A: GENERAL PROVISIONS

Section 733.10 Applicability

This Part applies to Incumbent Local Exchange Carriers (ILECs) subject to the requirements of Section 13-517 of the Public Utilities Act [220 ILCS 5/13-517].

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 733.20 Definitions

Terms used in this Part have the following meanings:

"Act" means the Public Utilities Act [220 ILCS 5].

"Advanced telecommunications services" *means services capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps) to the network demarcation point at the subscriber's premises.* [220 ILCS 5/13-517(c)]

"Commission" means the Illinois Commerce Commission.

"Customer" means a customer of an incumbent local exchange carrier (ILEC) that is an end user (as defined in Section 13-217 of the Act [220 ILCS 5/13-217]) provided with a telecommunications service by either the ILEC or by another local exchange carrier through network facilities of the ILEC, provided that the network facilities of the ILEC utilized by the other local exchange carrier are capable of delivering advanced telecommunications services. An end user provided telecommunications service at multiple locations is considered a customer at each location.

"Incumbent local exchange carrier" or "ILEC" means the same as the term is defined in Section 13-202.5 of the Act [220 ILCS 5/13-202.5].

Section 733.30 Provision of Advanced Telecommunications Services

Every ILEC shall offer or provide advanced telecommunications services to not less than 80% of its customers by January 1, 2005. [220 ILCS 5/13-517(a)]

Section 733.40 Monitoring

a) Every ILEC shall report to the Commission information concerning its deployment of advanced telecommunications services. The required information shall be provided annually by March 1. The information provided shall include:

1) The total number of customers of the ILEC;

2) The total number of ILEC customers offered advanced telecommunications services;

3) The total number of ILEC customers actually provided advanced telecommunications services;

4) A description of all technologies used to offer or provide advanced telecommunications services;

5) The number of ILEC customers offered advanced telecommunications services identified by each technology, where more than one technology is employed; and

6) The number of ILEC customers actually provided advanced telecommunications services identified by each technology, where more than one technology is employed.

b) The requirements of subsection (a) shall not apply to an ILEC that has been granted a full waiver of the obligations of Section 13-517(a) of the Act for the duration of the waiver.

SUBPART B: WAIVERS

Section 733.100 Waiver

a) *The Commission is authorized to grant a full or partial waiver of the requirements of Section 13-517(a) of the Act upon verified petition of any ILEC that demonstrates that full compliance with the requirements of Section 13-517(a) of the Act would be unduly economically burdensome or technically infeasible or otherwise impractical in exchanges with low population density. Notice of any such petition must be given to all potentially affected customers. If no potentially affected customer requests the opportunity for a hearing on the waiver petition, the Commission may, in its discretion, allow the waiver request to take effect without hearing.*

b) *The Commission shall grant such petition for waiver to the extent that, and for such duration as, the Commission determines that such waiver:*

1) *is necessary:*

A) *to avoid a significant adverse economic impact on users of telecommunications services generally;*

B) *to avoid imposing a requirement that is unduly economically burdensome;*

C) *to avoid imposing a requirement that is technically infeasible; or*

D) *to avoid imposing a requirement that is otherwise impractical to implement in exchanges with low population density; and*

2) *is consistent with the public interest, convenience, and necessity.* [220 ILCS 5/13-517(b)]

Section 733.105 Application of Waiver Standards

a) In determining whether the requested waiver is necessary to avoid a significant adverse economic impact on users of telecommunications services generally, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the impact on the quality of telecommunications services provided by the ILEC to users of telecommunications services;

2) the impact on the rates of telecommunications services provided by the ILEC to users of telecommunications services;

3) the impact on the availability of existing and new telecommunications services provided by the ILEC to users of telecommunications services;

b) In determining whether the requested waiver is necessary to avoid imposing a requirement that is unduly economically burdensome, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the ability of the ILEC to attract capital on its Illinois jurisdictional investment or to raise capital on reasonable terms;

2) the impact on the ILEC's ability to compete in Illinois telecommunications markets;

3) the impact on the ILEC's ability to innovate.

c) In determining whether the requested waiver is necessary to avoid imposing a requirement that is technically infeasible, the factors which may be considered by the Commission include, but are not limited to, the following:

1) limits of available technology;

2) impacts on network reliability;

3) public health and safety;

4) the impact on the ILEC's telecommunications network design, interoperability, and architecture;

5) equipment safety.

d) For purposes of subsection (c), a determination of technical infeasibility does not include consideration of economic, accounting, billing, space, or site concerns, except that space and site concerns may be considered in circumstances where there is no possibility of expanding the space available.

e) In determining whether the requested waiver is necessary to avoid imposing a requirement that is otherwise impractical to implement in exchanges with low population density, the factors which may be considered by the Commission include, but are not limited to, the following:

1) the estimated demand for advanced services in each exchange;

2) the exchange population density measured by customers per square mile, access lines per square mile, or other relevant measures;

3) the distribution of customers or access lines within the exchange;

4) the availability of advanced telecommunications services from other providers.

Section 733.110 Notice of Application for Waiver

An ILEC seeking a full or partial waiver of the requirements of Section 13-517(a) of the Act shall notify all potentially affected customers in its service area. Notification shall be made via a direct mailing to all potentially affected customers of the ILEC prior to the filing of a petition.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

The direct mail notice shall state the reasons for the waiver request, state the anticipated effect of the waiver request on those customers, and inform those customers of the opportunity to request a hearing on the waiver request at the Commission.

Section 733.120 Deadline for Application for Waiver

An ILEC seeking a waiver of the requirements of Section 13-517(a) of the Act by January 1, 2005 shall file an application for waiver no later than July 1, 2004.

Section 733.130 Application for Waiver

a) An ILEC may petition under Section 13-517(b) of the Act [220 ILCS 5/13-517(b) for a full or partial waiver of the requirements of Section 13-517(a) of the Act.

b) A verified petition for a waiver submitted pursuant to Section 13-517(b) of the Act shall include, at a minimum, the following information:

1) A description of the ILEC's service territory for which waiver is sought, identification of each exchange for which waiver is sought, and the number of potentially affected customers;

2) The identification of the specific conditions or provisions of Section 13-517(b) under which waiver is sought;

3) All information required by Section 733.40, utilizing the most recent information available as of the date the petition is filed; and

4) A copy of notices required by Section 733.110.

c) Applicants requesting a full waiver of the requirements of Section 13-517(a) pursuant to the terms of Section 13-517(b)(1)(A), 13-517(b)(1)(B), or 13-517(b)(1)(D) of the Act [220 ILCS 5/13-517(b)(1)(A), (B), and (D)] shall provide, in addition to the information required under subsection (b), the following information:

1) Projected costs of providing the advanced telecommunications services required by Section 13-517(a) of the Act in its entire serving territory;

2) Projected revenues associated with provision of the advanced telecommunications services required by Section 13-517(a) of the Act in its entire serving territory;

3) Pro-forma financial statements both with and without the effects of providing the advanced telecommunications services required by Section 13-517(a) of the Act; and

4) The principal assumptions used in preparing the information required by subsections (c)(1)-(3).

d) Applicants requesting a partial waiver of the requirements of Section 13-517(a) pursuant to the terms of Section 13-517(b)(1)(A), 13-517(b)(1)(B), or 13-517(b)(1)(D) of the Act shall provide, in addition to the information required under subsection (b), the following information:

1) Projected costs of providing the advanced telecommunications services required by Section 13-517(a) of the Act for those exchanges, territories, or customers for which a waiver is requested;

2) Projected revenues associated with provision of the advanced telecommunications services required by Section 13-517(a) of the Act for those exchanges, territories, or customers for which a waiver is requested;

3) Pro-forma financial statements both with the effects of full compliance with Section 13-517(a) of the Act and with the effects of the requested partial waiver of the requirements of Section 13-517(a) of the Act; and

4) The principal assumptions used in preparing the information required by subsections (d)(1)-(3).

e) Applicants requesting a full or partial waiver of requirements of Section 13-517(a) of the Act pursuant to the terms of Section 13-517(b)(1)(C) of the Act [220 ILCS 5/13-517(b)(1)(C)] shall provide, in addition to the information required by subsection (b), a description of any technical factors that prevent advanced services from being deployed. This description shall include, but not be limited to, a description and technical analysis of outside plant facilities and central office equipment.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 733.140 Prepared Direct Testimony

At the time it files its verified petition for waiver, each ILEC shall file the prepared direct testimony of all witnesses and all exhibits the ILEC intends to rely upon to support its waiver request. For each exchange for which a waiver is sought, the ILEC's prepared direct testimony shall include, at a minimum, the following information:

a) A presentation of all reasons and arguments supporting its waiver request; and

b) A description of all reports, studies, forecasts, projections, and other documentary material that the ILEC relies upon to support its waiver request.

Section 733.150 Commission Action Upon Petition

The Commission shall act upon any petition filed under Section 13-517(b) of the Act *within 180 days after receiving the petition.* [220 ILCS 5/13-517(b)]

Section 733.160 Reconsideration of Waiver

a) *The Commission may, upon complaint or on its own motion, hold a hearing to reconsider its grant of a waiver in whole or in part. In the event that the Commission, following hearing, determines that the affected ILEC no longer meets the requirements of* Section 13-517(b)(2) of the Act, *the Commission shall by order rescind such waiver, in whole or in part.*

b) *In the event and to the degree the Commission rescinds such waiver, the Commission shall establish an implementation schedule for compliance with the requirements of* Section 13-517 of the Act. [220 ILCS 5/13-517]

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Digital Divide Elimination Infrastructure Fund

2) Code Citation: 83 Ill. Adm. Code 759

3)

Section Numbers:	Adopted Action:
759.110	New Section
759.120	New Section
759.210	New Section
759.220	New Section
759.230	New Section
759.310	New Section
759.320	New Section
759.330	New Section
759.340	New Section

4) Statutory Authority: Implementing and authorized by Section 13-301.3 of the Public Utilities Act [220 ILCS 5/13-301.3].

5) Effective Date of Rules: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office.

9) Notice of Proposal Published in Illinois Register:

March 29, 2002, at 26 Ill. Reg. 4535

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

None

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

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 required.

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules?

Section 13-301.3 of the Public Utilities Act created the Digital Divide Elimination Infrastructure Fund as a special fund in the State treasury to be used by the Commission for grants to fund the construction of high-speed data transmission facilities in the State. This Part specifies the procedures which shall be followed with respect to the awarding of these grants. The rules establish eligibility requirements and review procedures.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 759
DIGITAL DIVIDE ELIMINATION INFRASTRUCTURE FUND

SUBPART A: GENERAL PROVISIONS

Section
759.110 Purpose
759.120 Definitions

SUBPART B: ELIGIBILITY

Section
759.210 Eligible Entities
759.220 Eligible Uses
759.230 Eligible Areas

SUBPART C: REVIEW OF PROPOSALS

Section
759.310 Proposal Content
759.320 Selection of Grant Recipients
759.330 Limitations and Obligations
759.340 Reporting

AUTHORITY: Implementing and authorized by Section 13-301.3 of the Public Utilities Act [220 ILCS 5/13-301.3].

SOURCE: Adopted at 27 Ill. Reg. 5735, effective April 1, 2003.

SUBPART A: GENERAL PROVISIONS

Section 759.110 Purpose

Section 13-301.3 of the Public Utilities Act [220 ILCS 5/13-301.3] created the Digital Divide Elimination Infrastructure Fund (Fund) as a special fund in the State treasury to be used by the Illinois Commerce Commission (Commission) for grants to fund the construction of high-speed

data transmission facilities in the State. This Part specifies the procedures that shall be followed with respect to the awarding of these grants.

Section 759.120 Definitions

When used in this Part, the listed terms shall have the definitions given in this Section.

"Act" means the Public Utilities Act [220 ILCS 5].

"Advanced telecommunications services" or "advanced services" means *services capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps) to the network demarcation point at the subscriber's premises* [220 ILCS 5/13-517].

"Applicant" means an eligible entity that has submitted a proposal.

"Fund" means the Digital Divide Elimination Infrastructure Fund established pursuant to Section 13-301.3 of the Act [220 ILCS 5/13-301.3].

"Grant" means any award of monies from the Fund pursuant to this Part.

"Grant agreement" means the agreement specified in Section 759.320 executed by the grantee and delivered to the Commission.

"Grantee" means any eligible entity who is awarded a grant.

"Incumbent local exchange carrier" means a telecommunications carrier as that term is defined in Section 13-202.5 of the Act [220 ILCS 5/13-202.5].

"Program" means the procedures established pursuant to this Part for the Commission's issuance of a grant.

"Project" means the construction of high-speed data transmission facilities necessary to provision advanced services within an eligible area, as described in an applicant's proposal.

"Proposal" means an application for a grant submitted to the Commission pursuant to this Part.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act.

"Waiver area" means an area of the State for which an incumbent local exchange carrier has applied for and received a waiver from its obligation to offer or provide advanced services to 80% of its customers, pursuant to Section 13-517 of the Act [220 ILCS 5/13-517].

SUBPART B: ELIGIBILITY

Section 759.210 Eligible Entities

Eligible entities shall be either:

a) An entity that maintains, in good standing, a certificate from the Commission to provide telecommunications services, or

b) An entity that is not required to hold a certificate from the Commission to provide telecommunications services but can demonstrate, through information provided in its grant proposal, its technical, financial and managerial resources and abilities to construct high-speed data transmission facilities.

Section 759.220 Eligible Uses

a) The use of grants shall be limited to the payment of certain costs incurred in the construction of high-speed data transmission facilities within an eligible area. (See Section 759.230.) The use of grants shall be limited to payment of the following reasonable and verifiable costs incurred in connection with the project ("eligible costs"):

1) Construction costs, including but not limited to site preparation and construction/installation of equipment and other infrastructure facilities.

2) Purchase of equipment to be installed.

b) Excluded Costs:

1) Costs related to project design or preparation of the grant proposal are explicitly excluded from eligible uses.

2) Costs related to the installation of capital improvements that do not address construction of high-speed data transmission facilities are explicitly excluded from eligible uses.

Section 759.230 Eligible Areas

An eligible area shall be comprised of one or more waiver areas. Grants shall only be used for eligible uses within a waiver area of the State.

SUBPART C: REVIEW OF PROPOSALS

Section 759.310 Proposal Content

a) Subject to appropriation and availability of funds, the Commission shall issue a Request for Grant Proposal, pursuant to the Illinois Procurement Code [30 ILCS 500], which shall include instructions and formats for the submission of grant proposals.

b) Proposal items: The grant proposal shall include, at a minimum, the following sections:

1) A cover page;

2) Ownership information of the applicant;

3) An executive summary of the proposal;

4) A description of the applicant, demonstrating that the applicant is an eligible entity (see Section 759.210);

5) Current financial information for the applicant;

6) The location of the proposed infrastructure project;

7) A description of the proposed infrastructure project, including its social and economic benefits;

8) A detailed project budget and schedule by task, including a proposed completion date.

Section 759.320 Selection of Grant Recipients

Grantees shall be competitively selected by the Commission pursuant to the Illinois Procurement Code and the Standard Procurement Rules (44 Ill. Adm. Code 1). The Commission shall use the following criteria when reviewing proposals and awarding grants:

a) The technical, financial and managerial resources and abilities of the applicant; and

b) The economic justification for the project, which includes the social and economic benefits of the project.

Section 759.330 Limitations and Obligations

Grants are subject to the following:

a) Each grant shall be awarded from the Fund under the condition that the grantee shall agree to expend a minimum of three times the amount of the grant award on eligible costs incurred in connection with the project.

b) No project may receive a grant of more than $1,000,000 under this program.

c) Any entity awarded a grant shall be required to execute and deliver to the Commission, prior to disbursement of the grant, a grant agreement in form and substance approved by the Commission as a condition of receiving the grant or any part of the grant. The grant agreement shall set forth the rights and responsibilities of the grantee with respect to the grant, including, without limitation, acceptance of the terms of the grant as set forth in this Part and applicable State and federal statutory and administrative requirements, including provisions covering expenditure of grant funds and utilization of property purchased with the grant.

d) Grants shall be disbursed by the Commission to grantees in no fewer than three installments, as follows:

1) When a grantee can demonstrate through its reports to the Commission, as specified in Section 759.340, that the grantee has expended at least 25% of the total eligible project costs, the Commission shall release 25% of the grant award to the grantee.

2) When a grantee can demonstrate through its reports to the Commission, as specified in Section 759.340, that the grantee has expended at least 75% of the total eligible project costs, the Commission shall release an additional 50% of the grant award to the grantee.

3) When a grantee can demonstrate through its reports to the Commission, as specified in Section 759.340, that the grantee has expended 100% of the total eligible project cost, the Commission shall release the balance of the grant award to the grantee.

e) Grantees must expend all funds received from the Commission in under two years' time, as outlined in the Illinois Grant Funds Recovery Act [30 ILCS 705/5].

f) For regulatory accounting purposes, any grant amount awarded under Part 759 shall be treated as a contribution toward the construction of plant.

g) Each grantee is under an affirmative duty to maintain proper, complete and accurate accounting records relating to the use of all grant funds for a period of 7 years after the receipt of the grant. This Part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in subsection (g).

Section 759.340 Reporting

a) Unless otherwise specified in the grant agreement delivered to the Commission by the recipient, a grantee shall report financial information, as defined in subsection (b), and programmatic information, as defined in subsection (c), to the Commission on a regular basis using formats provided by the Commission. The Commission shall require quarterly reporting of expenditures and project achievements at a level of detail sufficient to provide for program accountability.

b) Expenditures: Grantee shall report actual expenditures incurred in connection with the project using the format supplied by the Commission. Expenditure

summaries are to be submitted to the Commission by the 15th day following the end of each calendar quarter (e.g., March 31, June 30, September 30, December 31).

c) Program Report: Grantee shall submit a program report in a format provided by the Commission. The program report shall include a narrative describing the grantee's progress towards achieving objectives and activities as specified in the grant agreement delivered to the Commission. Program reports shall be submitted to the Commission by the 15th day following the end of each calendar quarter (e.g., March 31, June 30, September 30, December 31).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3)

Section Numbers:	Adopted Action:
25.15	Amendment
25.444	New Section
25.728	Amendment
25.800	Amendment
25.805	Amendment
25.832	Amendment
25.835	Amendment
25.845	Amendment
25.855	Amendment
25.860	Amendment
25.865	Amendment
25.870	Amendment
25.872	New Section
25.875	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21

5) Effective Date of Rules: March 21, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

November 1, 2002; 26 Ill. Reg. 15368

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Subsections 25.444(a)(1), (b)(1), and (d)(1) were revised to refer to the instruction of students, to encompass all public school teachers, and to distinguish between teachers and administrators.

Subsections 25.444(a)(2), (b)(2), and (d)(2) were revised to make it clear that teachers must actually be working (as opposed to "employed") in order to qualify for the payments that are the subject of the Section.

Subsections 25.444(a)(3), (b)(3), and (d)(3) were deleted; proposed subsection (d)(4) was re-labeled to (d)(3). Statutory citations were added where needed.

In Section 25.800(b)(1), the acronym "LPDC" was inserted.

In Section 25.875(t), hyphens were added to "less than successful".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? Yes

Sections	Actions	Illinois Register Citation
25.11	Amendment	26 Ill. Reg. 17531, December 13, 2002
25.35	Amendment	26 Ill. Reg. 17531, December 13, 2002
25.315	Amendment	26 Ill. Reg. 17531, December 13, 2002
25.720	Amendment	26 Ill. Reg. 17531, December 13, 2002
25.725	Amendment	26 Ill. Reg. 17531, December 13, 2002
25.900	New Section	26 Ill. Reg. 17531, December 13, 2002
25.905	New Section	26 Ill. Reg. 17531, December 13, 2002
25.910	New Section	26 Ill. Reg. 17531, December 13, 2002
25.915	New Section	26 Ill. Reg. 17531, December 13, 2002
25.920	New Section	26 Ill. Reg. 17531, December 13, 2002
25.925	New Section	26 Ill. Reg. 17531, December 13, 2002
25.930	New Section	26 Ill. Reg. 17531, December 13, 2002
25.935	New Section	26 Ill. Reg. 17531, December 13, 2002
25.940	New Section	26 Ill. Reg. 17531, December 13, 2002
25.945	New Section	26 Ill. Reg. 17531, December 13, 2002

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

The amendments contained in this set of rules arise from three recent pieces of legislation, as well as from the staff's experience with approving the providers of continuing professional development for purposes of the renewal of teaching certificates.

New Section 25.444 implements the Illinois Teaching Excellence Program as amended by P.A. 92-796 (HB 1436). Under Section 21-27 of the School Code, teachers who have attained certification by the National Board for Professional Teaching Standards (NBPTS) are eligible for an annual $3,000 stipend and can become eligible for an additional incentive payment of either $1,000 or $3,000 for each year during which they provide certain services to other teachers. Section 25.444 identifies the individuals who are eligible for these payments and distinguishes among the activities that qualify for the two levels of incentive payments.

The revisions found in Subpart J of the rules reflect several changes in the certificate renewal requirements enacted as part of P.A. 92-510 and others enacted in P.A. 92-796. These are highlighted below in the order of their appearance in the body of the rules.

Under Section 25.800(d), speech-language pathologists who are licensed by the Illinois Department of Professional Regulation are deemed to satisfy the requirements for renewal of their teaching certificates based on the professional development they complete for that license.

Receipt of advanced degree may now be used to account for 100% of the requirement for continuing professional development (see Section 25.805).

Under Section 25.832, speech-language pathologists who have received their Certificates of Clinical Competence from the American Speech-Language Hearing Association are permitted to renew their standard teaching certificates on a ten-year cycle, rather than the five-year cycle otherwise required of those holding standard certificates.

LPDCs are not required to maintain all the material submitted by teachers as evidence of completion for their activities (see Section 25.835).

There is a new maximum of 200 on the number of plans for which each LPDC outside the Chicago Public Schools will be responsible, with a maximum of 50

additional plans for each member added to an LPDC if that option is chosen (see Section 25.845).

Preparation of a portfolio of students' and the teacher's work has been added as an activity for which continuing professional development units (CPDUs) may be claimed (see Section 25.875(t)). The requirements for portfolio development are based closely on those aspects of the NBPTS requirements that were feasible to incorporate given this context.

Finally, a new Section 25.872 has been added to deal specifically with providers of continuing professional development activities that are electronically mediated. The requirements stated in this Section are largely parallel to those already stated for other providers, but this rule also sets up requirements for these entities to provide appropriate assistance and indicate how they will verify individuals' participation. (Addition of this rule also requires exceptions to be inserted into existing Sections 25.855, 25.860, 25.865, and 25.870, which are otherwise not being amended.)

The revisions to Section 25.728 reflect changes made by P.A. 92-734 regarding institutions' use of test results. Beginning with the 2002-2003 academic year, passage of the test of basic skills is required prior to entry into a teacher education program. Beginning with the 2004-2005 academic year, each candidate must pass the applicable test(s) of subject matter knowledge before being permitted to engage in student teaching.

The amendments contain additional items of technical updating as well.

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

Name: Lee Patton
Department of Teaching and Learning
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-4330

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 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

STATE BOARD OF EDUCATION

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SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL 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
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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

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NOTICE OF ADOPTED AMENDMENTS

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
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
25.444 Illinois Teaching Excellence Program
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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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
25.510 Teacher Aides
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SUBPART H: CLINICAL EXPERIENCES

Section
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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
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Section
25.800 Professional Development Required
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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
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25.850 General Responsibilities of Regional Superintendents
25.855 Approval of Illinois Providers
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25.865 Awarding of Credit for Activities with Providers
25.870 Continuing Education Units (CEUs)
25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875 Continuing Professional Development Units (CPDUs)
25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
25.885 Funding; Expenses

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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].

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 amendments 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; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments 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. 5744, effective March 21, 2003.

NOTE: Capitalization denotes statutory language.

SUBPART B: CERTIFICATES

Section 25.15 Standards for Certain Certificates

a) The standards that shall apply beginning ~~July~~ October 1, 2003, to each candidate seeking an initial early childhood, elementary, secondary, or special teaching certificate shall be as set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

b) The standards that shall apply beginning ~~July~~ October 1, 2003, to each candidate seeking an administrative certificate shall be as set forth in Standards for Administrative Certification (23 Ill. Adm. Code 29).

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

SUBPART F: GENERAL PROVISIONS

Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds. For purposes of this Section, "outside the regular school term" means during hours when school is not in session or on days when school is not in session.

a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students; and

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education.

b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and

3) HE OR SHE AGREES IN WRITING, using a form prescribed by the State Board of Education, TO PROVIDE, OUTSIDE THE REGULAR SCHOOL TERM, AT LEAST 60 HOURS OF MENTORING TO CLASSROOM TEACHERS THAT CONSISTS OF:

A) HIGH-QUALITY PROFESSIONAL DEVELOPMENT FOR NEW AND EXPERIENCED TEACHERS; AND/OR

B) ASSISTANCE TO CANDIDATES FOR CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS IN COMPLETING THAT CERTIFICATION PROCESS. (Section 21-27(2) of the School Code)

c) Requirements for Professional Development and Assistance to NBPTS Candidates

1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional development to new or experienced teachers under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education demonstrating that he or she addressed one or more of the areas of teaching practice enumerated in this subsection (c)(1), consistent with the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and as relevant to the classroom-based needs of the recipient teacher(s):

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;

F) reflection on and analysis of recipient teachers' practice and their success in assisting students to reach instructional goals.

2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education. This record shall identify the activities performed from among those listed as allowable by the State Board based upon their relationship to specific requirements candidates must meet for NBPTS certification.

d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and

3) HE OR SHE AGREES IN WRITING, using a form prescribed by the State Board of Education, TO PROVIDE, OUTSIDE THE REGULAR SCHOOL TERM, AT LEAST 60 HOURS OF MENTORING TO CLASSROOM TEACHERS IN SCHOOLS ON THE ACADEMIC EARLY WARNING LIST OR IN SCHOOLS IN WHICH 50% OR MORE OF THE STUDENTS RECEIVE FREE OR REDUCED-PRICE LUNCHES, OR BOTH. (Section 21-27(3) of the School Code)

e) Requirements for Mentoring

1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:

A) as part of and in conformance with a mentoring program formally established by a school district; or

B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher's involvement, and the amount of time expected to be devoted to each recipient teacher.

2) Mentoring may be provided to recipients either individually or in groups, provided that:

A) the mentor must address one or more of the areas of teaching practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher; and

B) the mentor must meet with each recipient teacher at least once in the recipient teacher's school, unless the recipient receives services as a member of a group, in which case the mentor must meet with each recipient at least twice, provided that these meetings may take place in any schools that meet the requirements of subsection (d)(4) of this Section where members of the group perform their teaching.

3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State Board of Education a written log that:

A) meets the requirements of subsection (c)(1) of this Section; and

B) discusses how the mentoring was related to the academic needs of the recipient teachers' students.

(Source: Added at 27 Ill. Reg. 5744, effective March 21 ,2003)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.728 Use of Test Results by Institutions of Higher Education

a) Beginning with the 2002-2003 academic year, each ~~An~~ institution ~~may~~ shall use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 2l-2b of the School Code [105 ILCS 5/2l-2b]-- Teacher Education Program Entrance. ~~If an institution chooses to use the basic skills test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.~~

b) Until the beginning of the 2004-2005 academic year, an ~~An~~ institution ~~may use~~ shall have the option of using an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to Subpart C of this Part or for candidates' progression among the components of a program.

~~1) If an institution chooses to use a subject matter test for any such purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.~~

~~2) Further, an institution that chooses to use a subject matter test for any such purpose shall assume the responsibility for informing its students of all requirements related to taking the test and for providing its students with registration materials and any other needed information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program due to an institution's discretionary use of a certification test.~~

c) Beginning with the 2004-2005 academic year, each institution shall use the tests of subject matter knowledge in the disciplines relevant to individuals' student teaching as provided in Section 21-1a(d) of the School Code.

d) In using the basic skills and subject matter knowledge tests, institutions shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

e) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with registration materials and any other pertinent information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more certification tests in a timely manner.

Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development Required

a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. The terms "certificate renewal plan~~,~~", "plan for continuing professional development~~,~~", "continuing professional development plan~~,~~", and "plan" shall also be considered synonymous.

b) Except as provided in Section 25.880 of this Part and in subsection (d) of this Section, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's:

1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee (LPDC) in accordance with Section 25.815 of this Part;

2) completion of the activities enumerated in the plan; and

3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.

c) A CERTIFICATE-HOLDER WITH MULTIPLE CERTIFICATES SHALL DEVELOP A CERTIFICATE RENEWAL PLAN THAT ADDRESSES ONLY THAT CERTIFICATE OR CERTIFICATES THAT ARE REQUIRED FOR HIS OR HER CERTIFICATED TEACHING POSITION, IF THE CERTIFICATE-HOLDER IS EMPLOYED AND PERFORMING SERVICES IN AN ILLINOIS PUBLIC OR STATE-OPERATED ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR COOPERATIVE OR JOINT AGREEMENT WITH A GOVERNING BODY OR BOARD OF CONTROL, OR THAT CERTIFICATE OR THOSE CERTIFICATES MOST CLOSELY RELATED TO HIS OR HER TEACHING POSITION, IF THE CERTIFICATE-HOLDER IS EMPLOYED IN A CHARTER SCHOOL [105 ILCS 5/21-14(e)(2)].

d) A SPEECH-LANGUAGE PATHOLOGIST OR AUDIOLOGIST WHO IS LICENSED UNDER THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT [225 ILCS 110] AND HAS MET THE CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS OF THAT ACT AND THE RULES OF THE ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION at 68 Ill. Adm. Code 1465 SHALL BE DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF THIS SUBPART J. (Section 21-14(e)(2) of the School Code)

1) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) shall provide to the regional superintendent of schools a copy of his or her currently valid license and a written assurance that the professional development requirements for that license were met.

2) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) who held a valid and active standard certificate issued before July 1, 2002, shall also be required to demonstrate to the regional superintendent that he or she has completed the prorated portion of continuing professional development that was required for the period of the certificate's validity prior to that date.

3) Speech-language pathologists licensed as provided in this subsection (d) whose standard certificates are issued or renewed on or after July 1, 2002, shall not be required to submit plans for continuing professional development.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.805 Requirements of the Plan

a) THE CONTINUING PROFESSIONAL DEVELOPMENT PLAN OF EACH AFFECTED CERTIFICATE-HOLDER SHALL INCLUDE AT LEAST THREE INDIVIDUAL IMPROVEMENT GOALS REFLECTING THE PURPOSES ENUMERATED IN SUBSECTION (b) OF THIS SECTION (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in ~~this Part~~ the applicable rules of the State Board of Education (see 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers); 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education); 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields)) 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.

b) Each continuing professional development plan shall include activities that:

1) ADVANCE THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN HIS OR HER AREA(S) OF CERTIFICATION, ENDORSEMENT, OR TEACHING ASSIGNMENT IN RELATIONSHIP TO THE RELEVANT STANDARDS set forth in this Part;

2) DEVELOP THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN ONE OR MORE AREAS IDENTIFIED BY THE STATE BOARD OF EDUCATION as "State priorities" (see Section 25.810 of this Part); and

3) ADDRESS THE KNOWLEDGE, SKILLS, AND GOALS THAT ARE RELEVANT TO THE CERTIFICATE-HOLDER'S LOCAL SCHOOL IMPROVEMENT PLAN, IF THE INDIVIDUAL IS EMPLOYED IN A SCHOOL THAT IS REQUIRED TO HAVE SUCH A PLAN.

c) A continuing professional development plan may also include activities that EXPAND THE CERTIFICATE-HOLDER'S KNOWLEDGE AND SKILLS IN AN ADDITIONAL TEACHING FIELD OR ADVANCE THE INDIVIDUAL TOWARD ACQUISITION OF AN ADDITIONAL TEACHING CERTIFICATE, ENDORSEMENT, OR DEGREE IN THE FIELD OF EDUCATION.

d) COMPLETION OF ALL REQUIRED ACTIVITIES IN PURSUIT OF CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS (NBPTS) MAY BE USED TO FULFILL 100% OF THE REQUIREMENT FOR CONTINUING PROFESSIONAL DEVELOPMENT (Section ~~21-14(e)(3)(C)~~ 21-14(e)(3)(D) of the School Code [105 ILCS ~~5/21-14(e)(3)(C)~~ 5/21-14(e)(3)(D)]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.

e) COMPLETION OF AN ADVANCED DEGREE FROM AN APPROVED INSTITUTION IN AN EDUCATION-RELATED FIELD MAY BE USED TO FULFILL 100% OF THE REQUIREMENT FOR CONTINUING PROFESSIONAL DEVELOPMENT (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)]). EIGHT SEMESTER HOURS OF COLLEGE COURSEWORK IN AN UNDERGRADUATE OR GRADUATE-LEVEL PROGRAM RELATED TO EDUCATION MAY BE USED TO FULFILL 100% OF THE REQUIREMENT FOR CONTINUING PROFESSIONAL DEVELOPMENT, PROVIDED THAT AT LEAST 2 SEMESTER HOURS ARE CHOSEN TO ADDRESS THE PURPOSE DESCRIBED IN SUBSECTION (b)(1) OF THIS SECTION (Section ~~21-14(e)(3)(A)~~ 21-14(e)(3)(B) of the School Code [105 ILCS ~~5/21-14(e)(3)(A)~~ 5/21-14(e)(3)(B)]).

f) Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development, provided that:

1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;

2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and

3) any remaining units address the purpose specified in subsection (c) of this Section.

g) Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, provided that:

1) at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;

2) an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate-holder is not employed in or assigned to a school that is required to have a school improvement plan; and

3) any remaining units address the purpose specified in subsection (c) of this Section.

h) A certificate-holder may choose any combination of the types of activities described in subsections (e), (f), and (g) of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs and the distribution of such units conforms to the requirements of subsection (g) of this Section. For purposes of calculating approvable combinations from different categories:

1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and

2) one CEU shall be considered the equivalent of 5 CPDUs.

i) The provisions of subsections (e) through (h) of this Section, other than the option for completion of an advanced degree, shall be subject to the proportionate

reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt. (See Section 25.880 of this Part.)

j) Each plan shall be submitted on a form supplied by the State Board of Education and shall:

1) identify the certificate-holder;

2) list all certificates and endorsements held;

3) indicate the period of validity;

4) identify the certificate-holder's current position or assignment;

5) identify the certificate-holder's improvement goals;

6) list and briefly describe the certificate-holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and

7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.

k) A given professional development activity may be attributed to all of the purposes enumerated in subsections (b) and (c) of this Section to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.832 Validity and Renewal of Master Certificates

a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.

b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal

at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.

c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met.

d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.

e) A holder of a standard teaching certificate endorsed for speech-language pathology who has also received a Certificate of Clinical Competence from the American Speech-Language Hearing Association shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code [105 ILCS 5/21-2(d)], provided that his or her certificate renewal plan is based upon an assignment that requires the speech-language pathology endorsement. Each such individual shall be required to renew his or her standard teaching certificate at the end of its original five-year period of validity and to pay the applicable registration fee but shall not be required to submit evidence of continuing professional development in order to qualify for renewal of the certificate at that time.

1) An individual who held both a standard teaching certificate endorsed for speech-language pathology and a Certificate of Clinical Competence on June 1, 2002, shall become subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code, beginning with the first year of the teaching certificate's validity. No revision to the individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC under cover of a letter calling the LPDC's attention to the applicability of the ten-year cycle.

2) An individual who holds a standard certificate and later receives a Certificate of Clinical Competence shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code, beginning with the first year of the certificate's then-current period of validity. No revision to

an individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC under cover of a letter calling the LPDC's attention to the applicability of the ten-year cycle.

3) An individual who holds a Certificate of Clinical Competence and later receives a standard teaching certificate shall prepare a plan for certificate renewal that reflects the ten-year cycle set forth in Section 21-2(d) of the School Code and shall submit a copy of the Certificate of Clinical Competence to the responsible LPDC to support the applicability of the ten-year cycle.

4) All standard certificates held by an individual to whom this subsection (e) applies shall qualify for renewal along with the standard teaching certificate endorsed for speech-language pathology.

5) At the conclusion of a ten-year renewal cycle, an individual who renews his or her standard teaching certificate shall submit a new certificate renewal plan, which shall be based upon a ten-year cycle only if the individual submits to the responsible LPDC a copy of a then-current Certificate of Clinical Competency.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.835 Review of and Recommendation Regarding Application for Renewal

a) The LPDC shall review each application that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate-holder of the recommendation it will forward to the regional superintendent of schools. Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate-holder has met the requirements of his or her approved plan. If the recommendation will be for nonrenewal of the affected certificate(s), such notification shall include a return receipt.

b) At any time before the recommendation is to be forwarded to the regional superintendent, the certificate-holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.

c) If requested to do so, the LPDC shall:

1) permit the certificate-holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or

2) reconsider its recommendation.

d) The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education**,** no later than 30 days after receipt of the certificate-holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate-holder that:

1) states the recommendation and the rationale for it;
2) indicates the date on which the recommendation was forwarded to the regional superintendent; and

3) includes a return receipt.

e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].

f) The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within any of the timelines set forth in subsections (a) and (d) of this Section.

g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education**,** shall include a return receipt**,** and may include any supporting documentation the certificate-holder deems relevant.

h) Within seven business days after receipt of such an appeal, the RPDRC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDRC within seven business days and shall include:

1) the individual's approved plan for continuing professional development and any amendments that have been made thereto;

2) ~~the~~ any evidence of completion for activities submitted by the certificate-holder ~~with respect to each continuing professional development activity for which credit is claimed~~ that has been maintained by the LPDC, and the summary form that shows how credits were awarded; and

3) copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.

i) Within 45 days after receiving such an appeal, the RPDRC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDRC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDRC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDRC shall also forward to the regional superintendent the LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.

j) Within 14 days after receiving the last recommendation required under subsections (a) through (i) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of the recommendation shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.

1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal. This list shall be prepared on a form supplied by the State Board of Education.

2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

A) the LPDC's record of review;

B) the RPDRC's recommendation and the material called for in subsection (i) of this Section, if any; and

C) the regional superintendent's rationale for recommending renewal.

3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

A) the LPDC's record of review;

B) the RPDRC's recommendation and the material called for in subsection (i) of this Section, if any; and

C) the regional superintendent's rationale for recommending nonrenewal.

k) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.

1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must 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 following receipt of the nonrenewal notice will not be processed.

2) In addition to the appeal form, 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;

B) any other relevant documents.

l) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete the activities set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.845 Responsibilities of School Districts

As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.

b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of LPDCs to be established.

1) The number of committees that will operate in a district shall be sufficient to comply with the requirements of Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)] regarding the maximum number of plans for which each committee is to be responsible and to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J. The maximum number of plans established in Section 21-14(f) of the School Code shall be observed inclusive of the number of initial certificate-holders who notify an LPDC that they have chosen accumulation of continuing professional development units as the requirement they will meet for standard certification under Section 21-2(c)(2) of the School Code [105 ILCS 5/21-2(c)(2)].

2) Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.

c) Each school district shall name the administrator and at-large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.

d) Each school district shall publicize to certificate-holders:

1) the number and respective areas of responsibility of the district's LPDCs;

2) the name of each committee's chairperson; and

3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.

e) Each school district shall convene the first meeting of one LPDC.

f) Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur.

g) Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to the requirements of this Subpart J.

h) Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.855 Approval of Illinois Providers

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions and professional associations, and universities and colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved, unless Section 25.872 of this Part applies.

a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:

1) a description of the intended offerings in terms of relevant standards to be addressed;

2) the qualifications and experience the provider will require of presenters to be assigned in each area;

3) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and

4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.

b) An organization that has affiliates based in Illinois may apply for approval on their behalf.

1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.

2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.

3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the areas of training should be changed for one or more of the affiliates. For affiliates to be added, the applicant organization shall supply the information required pursuant to subsection (a) of this Section.

4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.

c) Each provider approved to issue CEUs or CPDUs shall:

1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it;

2) verify attendance at its training activities, provide to participants the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;

3) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education;

4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and

5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.

d) Applicants may be asked to clarify particular aspects of their materials.

e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.

f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:

1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);

2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated; and

3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:

1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and

2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

h) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.

i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:

1) a description of any significant changes in the material submitted as part of its approved application; or

2) a certification that no such changes have occurred.

j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.

k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the
State Board may, at its discretion, monitor at any time. In the event such an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider. Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.860 Out-of-State Providers

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

The requirements for approval of providers not based in Illinois shall be as set forth in this Section unless Section 25.872 of this Part applies.

a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.

b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:

1) the certificate-holder submits to the LPDC:

A) the program, agenda, or other announcement of the event; and

B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and

2) the LPDC determines that the program, agenda, or other announcement of the event demonstrates that:

A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient has addressed in his or her continuing professional development plan; and

B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).

c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:

1) the requirements of subsection (b) of this Section are met; and

2) the LPDC determines that each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.

d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.865 Awarding of Credit for Activities with Providers

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use, other than providers who are subject to the requirements of Section 25.872 of this Part.

a) This form shall be provided to each participant who completes the activity, who shall present it to the LPDC as evidence of completion (see Section 25.875(k) of this Part).

1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.

2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.

c) The provider shall indicate the number of CEUs issued, if applicable.

d) Local professional development committees shall credit CEUs in the amount issued by the approved provider.

e) Local professional development committees shall examine completion forms to determine the number of CPDUs to be credited, in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.

f) With respect to activities held in Illinois, LPDCs shall credit CEUs or CPDUs only when the standard form is presented.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.870 Continuing Education Units (CEUs)

Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part, unless the activity completed is subject to the requirements of Section 25.872 of this Part.

a) One CEU shall be issued for five clock-hours of a certificate-holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.

b) Time spent in organizational or administrative activities related to the conduct of a professional development activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development

The requirements of this Section shall apply to the approval of providers and the awarding of credit for activities that are electronically delivered, such as electronically mediated study groups, seminars, and conferences, interactive CD-ROMs, and on-line professional development

curricula. The provisions of Sections 25.855, 25.860, 25.865, and 25.870 of this Part shall apply to such activities only to the extent set forth in this Section.

a) A certificate-holder may accrue professional development credit for an activity under this Section if the provider of the activity is approved for the applicable subject area pursuant to subsections (b) through (f) of this Section. Alternatively, a certificate-holder may accrue credit for an activity without an approved provider by meeting the requirements of subsection (h) of this Section.

b) Each provider wishing to receive approval under this Section shall submit an application using a format prescribed by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall describe:

1) the intended offerings in terms of relevant standards to be addressed;

2) the qualifications and experience the provider will require of the presenters, moderators, and facilitators to be assigned in each area;

3) the means by which individuals' participation and participants' identities will be verified, consistent with subsection (e)(4) of this Section;

4) the assistance that the provider will furnish to participants to foster their understanding of the material covered in the activity and their ability to complete the activity's requirements successfully;

5) the documentation that the provider will furnish to each individual who completes a continuing professional development activity; and

6) whether the provider intends for CEUs or CPDUs to be available to participants.

c) Each application shall provide assurances that the following requirements will be met.

1) The provider shall submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it.

2) The provider shall verify individuals' participation in its training activities, provide documentation indicating whether those who participated in a particular activity have completed it, and require participants to complete evaluations of the activities that will gather at least such information as specified by the State Board of Education. The provider shall issue CEUs, if applicable, based upon the average or expected time required to complete a given activity and in accordance with Section 25.870 of this Part. For activities generating CPDUs, the evidence of completion provided to participants shall indicate the average or expected time required so that LPDCs may award one CPDU per hour of participation.

3) The provider shall maintain participants' evaluations for a period of not less than three years and make them available for review upon request by staff of the State Board of Education.

4) The provider shall maintain records of participation and completion for each activity it conducts or sponsors for a period of not less than five years.

d) Applicants may be asked to clarify particular aspects of their materials.

e) A provider shall be approved under this Section only if all of the following conditions are met.

1) There is an apparent correlation between the content of the training activities, the standards applicable to their intended participants, and one or more of the purposes the participants are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

2) The activities will be developed and presented by persons with education and experience in the applicable subject area(s).

3) The provider makes available to participants a mentor or facilitator who is qualified by education and experience to serve as a presenter of the activity.

4) Participation in or completion of any portion of the activity that is not designed to be attended in person is verified by some other means. That is, each individual's participation yields either a product (e.g., a lesson plan, a tape of teaching performance, a completed test) or a record of interaction with a representative of the provider or with other participants (e.g., a discussion board). These products and records are available for evaluation by the provider, and each participant's receipt of the evidence of completion for the activity is contingent upon their presentation to the provider along with a brief written statement in which the certificate-holder discusses the skills and/or knowledge acquired and indicates, where applicable, how the skills or knowledge will be applied in the context of his or her 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.

5) Each participant who completes the activity receives verification from the provider to that effect.

f) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.

g) A certificate-holder may receive continuing professional development credit for an activity conducted by a provider approved under this Section by submitting to the responsible LPDC the evidence of completion furnished by the provider, to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder.

h) A certificate-holder may receive continuing professional development credit for an activity not conducted by a provider approved under this Section (to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder) by meeting the requirements of this subsection (h).

1) The certificate-holder shall provide to the responsible LPDC a syllabus, program, or summary prepared by the provider or a summary written by the certificate-holder.

2) The certificate-holder shall provide to the LPDC any documents or other products developed during the activity and any verification of completion supplied by the provider.

3) The certificate-holder shall provide to the LPDC a brief written statement meeting the requirements of subsection (e)(4) of this Section.

4) The certificate-holder shall provide to the LPDC a statement issued by the provider indicating the average or expected amount of time required for completion of the activity, which the LPDC shall credit in the form of CPDUs at a rate of one per hour of direct participation or CEUs in accordance with Section 25.870(a) of this Part, as applicable.

(Source: Added at 27 Ill. Reg. 5744, effective March 21, 2003)

Section 25.875 Continuing Professional Development Units (CPDUs)

The number of CPDUs to be awarded for completion of specific activities shall be as set forth in this Section. In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate-holder which summarizes the activity or 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.

a) PARTICIPATION ON COLLABORATIVE PLANNING AND PROFESSIONAL IMPROVEMENT TEAMS AND COMMITTEES [105 ILCS 5/21-14(e)(3)(E)(i)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.

2) Credit: Five 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: Written description of the purpose and intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the group's work.

b) PEER REVIEW AND COACHING [105 ILCS 5/21-14(e)(3)(E)(ii)]

1) Definitions

A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.

2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

3) Evidence of Completion

A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a

log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

c) MENTORING IN A FORMAL PROGRAM, INCLUDING SERVICE AS A CONSULTING TEACHER PARTICIPATING IN A REMEDIATION PROCESS FORMULATED UNDER SECTION 24A-5 OF THE SCHOOL CODE [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]

1) Definitions

A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.

B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and

i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations**,** or to provide feedback on observations conducted by an administrator; or

ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or

iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and

techniques to the remediating teacher in response to each period of observation.

C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.

2) Credit

A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.

B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

3) Evidence of Completion

A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting

teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

d) PARTICIPATING IN SITE-BASED MANAGEMENT OR DECISION-MAKING TEAMS, RELEVANT COMMITTEES, BOARDS, OR TASK FORCES RELATED TO SCHOOL IMPROVEMENT PLANS [105 ILCS 5/21-14(e)(3)(E)(iv)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's meetings; and a copy of the product or recommendation developed by the team or committee.

e) COORDINATING COMMUNITY RESOURCES IN SCHOOLS, IF THE PROJECT IS A SPECIFIC GOAL OF THE SCHOOL IMPROVEMENT PLAN [105 ILCS 5/21-14(e)(3)(E)(v)]

1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.

2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.

3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external

entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.

f) FACILITATING PARENT EDUCATION PROGRAMS FOR A SCHOOL, SCHOOL DISTRICT, OR REGIONAL OFFICE OF EDUCATION DIRECTLY RELATED TO STUDENT ACHIEVEMENT OR THE SCHOOL IMPROVEMENT PLAN [105 ILCS 5/21-14(e)(3)(E)(vi)]

1) Definitions

A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.

B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).

2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.

3) Evidence of Completion

A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.

B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.

g) PARTICIPATING IN BUSINESS, SCHOOL, OR COMMUNITY PARTNERSHIPS DIRECTLY RELATED TO STUDENT ACHIEVEMENT OR SCHOOL IMPROVEMENT PLANS [105 ILCS 5/21-14(e)(3)(E)(vii)]

1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.

2) Credit: Five 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 description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.

h) SUPERVISING A STUDENT TEACHER OR TEACHER EDUCATION CANDIDATE IN CLINICAL SUPERVISION, PROVIDED THAT THE SUPERVISION MAY ONLY BE COUNTED ONCE DURING THE COURSE OF 5 YEARS [105 ILCS 5/21-14(e)(3)(E)(viii)]

1) Definitions

A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.

B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.

2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.

3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.

i) COMPLETING UNDERGRADUATE OR GRADUATE CREDIT EARNED FROM A REGIONALLY ACCREDITED INSTITUTION IN COURSEWORK RELEVANT TO THE CERTIFICATE AREA BEING RENEWED, INCLUDING COURSEWORK THAT INCORPORATES INDUCTION ACTIVITIES AND DEVELOPMENT OF A PORTFOLIO OF BOTH STUDENT AND TEACHER WORK THAT PROVIDES EXPERIENCE IN REFLECTIVE PRACTICES, PROVIDED THE COURSEWORK MEETS ILLINOIS PROFESSIONAL TEACHING STANDARDS OR ILLINOIS CONTENT AREA STANDARDS AND SUPPORTS THE ESSENTIAL CHARACTERISTICS OF QUALITY PROFESSIONAL DEVELOPMENT [105 ILCS 5/21-14(e)(3)(F)(i)]

1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or assignment.

2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.

j) TEACHING COLLEGE OR UNIVERSITY COURSES IN AREAS RELEVANT TO THE CERTIFICATE AREA BEING RENEWED, PROVIDED THAT THE TEACHING MAY ONLY BE COUNTED ONCE DURING THE COURSE OF 5 YEARS [105 ILCS 5/21-14(e)(3)(F)(ii)]

1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.

2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.

3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.

k) COMPLETING NON-UNIVERSITY CREDIT DIRECTLY RELATED TO STUDENT ACHIEVEMENT, SCHOOL IMPROVEMENT PLANS, OR STATE PRIORITIES [105 ILCS 5/21-14(e)(3)(G)(i)]; PARTICIPATING IN OR PRESENTING AT WORKSHOPS, SEMINARS, CONFERENCES, INSTITUTES, AND SYMPOSIUMS [105 ILCS 5/21-14(e)(3)(G)(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 educational concerns.

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; 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.

l) TRAINING AS EXTERNAL REVIEWERS FOR QUALITY ASSURANCE [105 ILCS 5/21-14(e)(3)(G)(iii)]

1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

3) Evidence of Completion: A certificate issued by the State Board.

m) TRAINING AS REVIEWERS OF UNIVERSITY TEACHER PREPARATION PROGRAMS [105 ILCS 5/21-14(e)(3)(G)(iv)]

1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.

2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.

3) Evidence of Completion: A certificate issued by the State Board.

n) PARTICIPATING IN ACTION RESEARCH AND INQUIRY PROJECTS [105 ILCS 5/21-14(e)(3)(H)(i)]

1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.

2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own class(es).

3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.

o) OBSERVING PROGRAMS OR TEACHING IN SCHOOLS, RELATED BUSINESSES, OR INDUSTRY THAT IS SYSTEMATIC, PURPOSEFUL, AND RELEVANT TO CERTIFICATE RENEWAL [105 ILCS 5/21-14(e)(3)(H)(ii)]

1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.

2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.

3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for

which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.

p) TRAVELING RELATED TO ONE'S TEACHING ASSIGNMENT, DIRECTLY RELATED TO STUDENT ACHIEVEMENT OR SCHOOL IMPROVEMENT PLANS AND APPROVED AT LEAST 30 DAYS PRIOR TO THE TRAVEL EXPERIENCE, PROVIDED THAT THE TRAVELING SHALL NOT INCLUDE TIME SPENT COMMUTING TO DESTINATIONS WHERE THE LEARNING EXPERIENCE WILL OCCUR [105 ILCS 5/21-14(e)(3)(H)(iii)]

1) Definition: Travel lasting no less than three consecutive, full days, which the LPDC has approved based on a plan submitted by the certificate-holder. The plan shall relate the travel to one or more of the individual's improvement goals, identify the activities or aspects of the travel that will contribute to his or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPDC shall be understood to mean that CPDUs will be awarded upon submission of the required evidence of completion.)

2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.

3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.

q) PARTICIPATING IN STUDY GROUPS RELATED TO STUDENT ACHIEVEMENT OR SCHOOL IMPROVEMENT PLANS [105 ILCS 5/21-14(e)(3)(H)(iv)]

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 education 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.

r) SERVING ON A STATEWIDE EDUCATION-RELATED COMMITTEE, INCLUDING BUT NOT LIMITED TO THE STATE TEACHER CERTIFICATION BOARD, STATE BOARD OF EDUCATION STRATEGIC AGENDA TEAMS, OR THE STATE ADVISORY COUNCIL ON EDUCATION OF CHILDREN WITH DISABILITES [105 ILCS 5/21-14(e)(3)(H)(v)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.

2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.

3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.

s) PARTICIPATING IN WORK/LEARN PROGRAMS OR INTERNSHIPS [105 ILCS 5/21-14(e)(3)(H)(vi)]

1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.

2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).

3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.

t) DEVELOPING A PORTFOLIO OF STUDENT AND TEACHER WORK [105 ILCS 5/21-14(e)(3)(H)(vii)]

1) Definition: Preparation of at least five portfolio "artifacts" or "entries", each of which relates to a different assignment and consists of:

A) samples of at least three students' work that responds to the specified assignment; and

B) a written analysis prepared by the certificate-holder that describes:

i) the assignment to which the work responds and the teacher's goal(s) for that assignment;

ii) the instructional strategies and materials used and the reasons for their selection;

iii) what the students' work reveals about whether the teacher's goal(s) for the assignment were met; and

iv) the successful and less-than-successful elements of the assignment and changes the teacher might make in the

assignment or in his or her teaching in order to reach the specified instructional goal(s).

2) Credit: 15 CPDUs.

3) Evidence of Completion: The materials referred to in subsection (t)(1) of this Section.

u) PARTICIPATING IN CURRICULUM DEVELOPMENT OR ASSESSMENT ACTIVITIES AT THE SCHOOL, SCHOOL DISTRICT, REGIONAL OFFICE OF EDUCATION, STATE, OR NATIONAL LEVEL [105 ILCS 5/21-14(e)(3)(I)(i)]

1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group's working sessions.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).

3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.

v) ~~u)~~ PARTICIPATING IN TEAM OR DEPARTMENT LEADERSHIP IN A SCHOOL OR SCHOOL DISTRICT [105 ILCS 5/21-14(e)(3)(I)(ii)]

1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.

2) Credit: Five CPDUs shall be awarded per semester of service.

3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

w) ~~v)~~ PARTICIPATING ON EXTERNAL OR INTERNAL SCHOOL OR SCHOOL DISTRICT REVIEW TEAMS [105 ILCS 5/21-14(e)(3)(I)(iii)]

1) Definitions

A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.

C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.

2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.

3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair

or convenor verifying the certificate-holder's participation for the duration of the process.

x) ~~w)~~ PUBLISHING EDUCATIONAL ARTICLES, COLUMNS, OR BOOKS RELEVANT TO THE CERTIFICATE AREA BEING RENEWED [105 ILCS 5/21-14(e)(3)(I)(iv)]

1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.

2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.

3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication~~.~~".

y) ~~x)~~ PARTICIPATING IN NON-STRIKE-RELATED PROFESSIONAL ASSOCIATION OR LABOR ORGANIZATION SERVICE OR ACTIVITIES RELATED TO PROFESSIONAL DEVELOPMENT [105 ILCS 5/21-14(e)(3)(I)(v)]

1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or

functioning of the professional association or labor organization shall not be eligible.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

z) ~~y)~~ Other

1) An LPDC may award continuing professional development units for activities not enumerated in subsections (a) through ~~(x)~~ (y) of this Section based upon written evidence presented by the certificate-holder that:

A) describes the activity and its purpose, intensity, duration, and outcomes;

B) discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;

C) identifies which of the activities enumerated in subsections (a) through ~~(x)~~ (y) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and

D) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection ~~(y)(1)(C)~~ (z)(1)(C) of this Section.

2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDRC as provided in Section 25.825(e) of this Part.

(Source: Amended at 27 Ill. Reg. 5744, effective March 21, 2003)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Standards for Administrative Certification

2) Code Citation: 23 Ill. Adm. Code 29

3) Section Numbers: Adopted Action:

29.140	New Section
29.150	New Section

4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

5) Effective Date of Rules: March 21, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 4, 2002; 26 Ill. Reg. 14360

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 29.140 was revised to include school counselors among the holders of school service personnel certificates who may be eligible for the endorsement as director of special education.

Section 29.150 was reworded in two places to refer to approval as "an administrator" of special education (see subsections (a) and (b)).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

13) Will these amendments replace emergency amendments currently in effect? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments will put in place a new credential that will eventually be required of all individuals who wish to serve as directors or assistant directors of special education. The set of standards set forth in Section 29.140 will be the basis for a new endorsement, "Director of Special Education." The remaining provisions in that Section and Section 29.150 describe how individuals may earn this credential and how individuals who are currently qualified to serve as administrators of special education may receive the new endorsement. A companion amendment to the rules for special education (23 Ill. Adm. Code 226) will establish the ending date for the current system of approvals.

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

Name: Lee Patton
Department of Teaching and Learning
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-4330

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 29
STANDARDS FOR ADMINISTRATIVE CERTIFICATION

Section	
29.10	Purpose and Effective Dates
29.100	Illinois Professional School Leader Standards
29.110	Chief School Business Official
29.120	Principal
29.130	Superintendent
29.140	Director of Special Education
29.150	New Credential Required – Directors and Assistant Directors of Special Education

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

SOURCE: Adopted at 26 Ill. Reg. 6493, effective April 22, 2002; amended at 27 Ill. Reg. 5800, effective March 21, 2003.

Section 29.140 Director of Special Education

Endorsement as a director of special education shall be available on the administrative certificate beginning January 1, 2003, and shall be required beginning July 1, 2005, in order for an individual to serve as either a director or an assistant director of special education. Except as provided in Section 29.150 of this Part, the requirements for this endorsement shall include completion of a program approved pursuant to Subpart C of the State Board's rules for Certification (23 Ill. Adm. Code 25) based on congruence with the standards set forth in this Section; passage of the relevant test of subject matter knowledge based on the standards set forth in this Section; passage of the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to 23 Ill. Adm. Code 25.720 (Applicability of Testing Requirement); and either a valid teaching certificate endorsed with a special education credential or a valid school service personnel certificate endorsed for school psychology, school social work, school counseling, or speech-language pathology.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

a) Facilitating a Vision of Educational Excellence

The competent director of special education is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of educational excellence that is shared and supported by the school community.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands ~~differing population needs~~ the needs of different groups in a pluralistic society.

B) knows and understands theories and methodologies of teaching and learning, including the adaptation and modification of curriculum to meet the needs of all learners.

C) knows and understands the principles of developing, implementing, and evaluating long-term plans.

D) knows and understands theories of and research on organizational and educational leadership.

E) knows and understands information sources, data collection, and data analysis strategies.

F) knows and understands appropriate channels and media for communicating plans, ideas, and goals to the board of education, staff, parents, students, and the community.

G) knows and understands effective consensus-building and negotiation skills.

H) knows and understands the historical, moral, philosophical, and political traditions of education, including those that provide the basis for special education practice.

I) knows and understands systems and theories of educational assessment and evaluation.

J) knows and understands human and financial resources needed to implement and support ~~the realization of~~ the organizational vision, mission, and goals.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that promote the success of all students in the least restrictive environment by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

B) facilitates and engages in activities that promote appropriate educational standards and excellence for all students and staff.

C) facilitates and engages in activities that support a nurturing and high-performing culture and climate through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.

D) facilitates and engages in activities that collaboratively develop vision and goals among teachers, support staff, students, administrators, board members, families, and community members.

E) facilitates and engages in activities that articulate and model ~~core~~ central beliefs of the organization and effectively communicates and takes actions to achieve organizational vision, mission, and goals.

F) facilitates and engages in activities that form and implement educational programs, policies, plans, and actions to realize organizational vision, mission, and goals.

G) facilitates and engages in activities ~~that~~ aimed at forming and implementing a vision, mission, and goals ~~that shape~~ to provide purpose and direction for individuals and groups.

H) facilitates and engages in activities that affect the collection, organization, and analyses of a variety of information, including

data on students' performance ~~data~~, to assess progress toward organizational vision, mission, and goals.

I) facilitates and engages in activities that ~~develop~~ result in an implementation plan in which objectives and strategies to achieve the organizational vision, mission, and goals are clearly articulated and linked to students' learning.

J) facilitates and engages in activities that identify, clarify, and address barriers to achieving the vision, mission, and goals.

K) facilitates and engages in activities ~~that~~ to obtain and organize financial, human, and material resources to realize the organizational vision, mission, and goals.

L) facilitates and engages in activities ~~that~~ to monitor, evaluate, and revise the organizational vision, mission, goals, and implementation plans regularly.

b) Learning Environment and Instructional Program

The competent director of special education is an educational leader who promotes the success of all students by advocating and nurturing a constantly improving learning environment and an instructional program based upon educationally sound principles of curriculum development and modifications, learning and teaching theory, and professional development.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands the principles of human growth and development, ranges of individual variation, and their application to the school environment and instructional program.

B) knows and understands the concept of school climate as it applies to students' and staff's performance.

C) knows and understands the educational change process.

D) knows and understands a variety of educational research methodologies and their comparable strengths and weaknesses.

E) knows and understands cognition, learning theories, and interventions and their relationship to instruction.

F) knows and understands applications of technology ~~applications~~ for administrators, staff, and students to enhance the learning and instructional program.

G) knows and understands a variety of methods for assessing and evaluating students' performance.

H) knows and understands professional development models and adult learning theory.

I) understands effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect, and substance abuse, on behavior and learning.

J) has knowledge of techniques for modifying instructional methods, curricular materials, technology, and the learning environment to meet students' needs, including techniques that are developmentally appropriate.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that develop a climate that is supportive of continuous improvement of the instructional program for all students.

B) facilitates and engages in activities that systematically design and implement procedures and instruments for evaluating the instructional program.

C) facilitates and engages in activities that systematically support staff development to enhance the learning environment and the instructional program.

D) facilitates and engages in activities that use best practices and sound educational research to promote improved instructional techniques, intervention strategies, and specialized curricular materials.

E) facilitates and engages in activities that promote reflective practices among administrators, teachers, and staff.

F) facilitates and engages in activities that promote an environment that encourages creativity and innovation.

G) facilitates and engages in activities that provide a climate in which treatment of all individuals with respect, dignity, and fairness is valued.

H) facilitates and engages in activities that promote the appropriate use of technology to enhance students' learning and staff's professional growth.

I) facilitates and engages in activities that promote high expectations for self, staff, and students.

J) facilitates and engages in activities that deal with the ambiguity and uncertainty that accompanies the change process.

K) facilitates and engages in activities that systematically conduct, act upon, and report assessment of individual students' educational performance and evaluation of the instructional program.

L) facilitates and engages in activities that connect educational standards to specialized instructional services.

M) facilitates and engages in activities that promote collaboration of staff and outside agencies in providing services to students and families.

N) facilitates and engages in activities that foster lifelong learning.

c) Knowledge of Laws, Regulations, and Professional Ethics

The competent director of special education has a thorough knowledge of federal and ~~s~~State statutes affecting the education of students with disabilities.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands current legal, regulatory, and ethical issues affecting education.

B) knows and understands the legal rights and responsibilities of students, staff, and parents/guardians.

C) knows and understands federal and ~~s~~State education laws and regulations.

D) knows and understands the legal aspects of school administration.

E) knows and understands the system of public school governance in Illinois.

F) knows and understands the responsibilities and functions of school committees and boards.

G) knows and understands procedures for formulating and implementing board policies and operating procedures.

H) knows and understands the moral and ethical responsibilities of schools and members of the school community.

I) knows and understands how to establish and implement policies that promote ethical behavior and high professional standards through collaboration with stakeholders.

J) knows and understands how the Illinois and U.S. Constitutions, organizational policies, and laws (statutory, common, and case) regulate the behavior of students, staff, and administrators in the schools.

K) knows and understands the role of public education in developing and renewing a democratic society and an economically productive nation.

L) knows and understands models and strategies of change and conflict resolution as applied to schools.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that ensure an ongoing dialogue with and among representatives of diverse community groups.

B) facilitates and engages in activities that lead the school community to operate within the framework of policies, laws, and regulations enacted by local, ~~s~~State, and federal authorities and professional ethical standards.

C) facilitates and engages in activities that foster a board/superintendent working relationship that promotes and actualizes organizational vision, missions, and goals.

D) facilitates and engages in activities that shape public policy to provide high-quality education for students.

E) facilitates and engages in activities that provide clear distinctions between board policies and operating procedures.

F) facilitates and engages in activities that base decisions on the legal, moral, and ethical implications of policy options and political strategies.

G) facilitates and engages in activities that create a collaborative relationship with staff to implement policies to promote behavior and professional practices consistent with high ethical standards.

d) Identification of Students and Provision of Services

The competent director of special education has a thorough knowledge of identification procedures, service delivery models, and assistive technology for students with disabilities.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands effective strategies ~~to~~ for identifying children (from birth through age 21) who may have disabilities.

B) knows and understands effective intervention strategies and processes that are prerequisite to a referral or a case study evaluation.

C) knows and understands the case study evaluation process, including the determination of eligibility for special education services.

D) knows and understands the continuum of programs and array of services available to students with disabilities.

E) knows and understands the process of developing Individualized Education ~~Plans~~ Programs (IEP).

F) knows and understands parents'~~al~~ and students' rights regarding evaluation, eligibility, services, and discipline.

G) knows and understands the array of assistive technology options to facilitate access of students with disabilities to the least restrictive environment.

H) knows and understands lawful and appropriate strategies for the discipline of students with disabilities.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that promote public awareness, sound screening practices, and early identification of students with disabilities.

B) facilitates and engages in activities that provide staff development in the use of effective intervention strategies ~~in~~ for instructional staff.

C) facilitates and engages in activities that ensure all essential components of a case study evaluation have been utilized when determining eligibility for special education services.

D) facilitates and engages in activities that promote a free appropriate public education in the least restrictive environment.

E) facilitates and engages in activities that promote programs and related services for children based upon a thorough understanding of individual differences.

F) facilitates and engages in activities that ensure the ~~legal~~ required components of an Individualized Education ~~Plan~~ Program are incorporated into a plan of services for individual students.

G) facilitates in activities that ensure the Individualized Education ~~Plans~~ Programs are linked to the Illinois Learning Standards (see 23 Ill. Adm. Code 1.App.D).

H) facilitates and engages in activities that evaluate a student's success in participation in the general educational curriculum.

I) facilitates and engages in activities that ensure that parent~~als~~s' and students' rights regarding evaluation, eligibility, services, and discipline are disseminated and understood.

J) facilitates and engages in activities that ensure that parent~~als~~s' and students' rights regarding evaluation, eligibility, services, and discipline are implemented.

K) facilitates and engages in activities that promote the use of assistive technology for students with disabilities and the identification of resources for assistive devices.

L) facilitates and engages in activities to ensure the lawful and appropriate strategies for discipline of students with disabilities are applied.

e) Special Education Finance

The competent director of special education has a thorough knowledge of school finance procedures, understands special education funding, and demonstrates the ability to develop and manage a budget.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands general school finance and procedures for the development of budgets~~ development procedures~~.

B) knows and understands various federal, ~~s~~State, and local funding sources.

C) knows and understands developing and managing special education budgets.

D) knows and understands practices, policies, and procedures for operating and maintaining the organization's facilities, equipment, and services.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that result in the development and management of the organization's special education budgets~~, which~~ and that incorporate ~~the principles of~~ general school finance~~e~~ial principles and procedures.

B) facilitates and engages in activities that result in receipt of federal, ~~s~~State, and local grant monies.

C) facilitates and engages in activities that obtain maximum reimbursement from all sources.

D) facilitates and engages in activities to effectively manage the organization's facilities, equipment, and services.

f) Management

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

The competent director of special education is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, effective and least restrictive learning environment.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands a variety of practices and models for the management of an organizational system.

B) knows and understands principles of human resource management and development to maximize the effectiveness of all constituents of the organization.

C) knows and understands practices, policies, and procedures for operating and maintaining the organization's facilities, equipment, and auxiliary services.

D) knows and understands principles of financial planning and management for efficient fiscal operation in support of the organization's vision, mission, and goals.

E) knows and understands organizational and operational policies and procedures that enhance students' learning.

F) knows and understands practices and procedures to ensure safe and secure schools for students, parents, staff, and community members.

G) knows and understands practices and procedures to ensure that organizational management functions are supported by current technologies.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that use ~~core~~ central organizational processes (including planning, communication, decision making, problem solving, and information management) for operational effectiveness and organizational development.

B) facilitates and engages in activities that empower ~~all~~ various groups of constituents (e.g., ~~staff/students/parents~~staff, students, and parents) of the organization as leaders to support change efforts through the use of delegation, collaboration, and collegial strategies.

C) facilitates and engages in activities that employ supervisory and performance appraisal techniques to enhance and develop the knowledge and skill base of instructional and non-instructional staff.

D) facilitates and engages in activities ~~that~~ to support ~~and facilitate~~ professional development ~~activities~~ for all constituents of the organization, focusing on the improvement of teaching and learning outcomes.

E) facilitates and engages in ~~activities that use core human resource processes (including~~ recruitment, selection, induction, and negotiation,~~)~~ resulting in the employment and retention of qualified personnel to support an effective learning environment.

F) facilitates and engages in activities that ensure the physical plant is accessible, well maintained, functional, secure, and conducive to the support of the full range of the organization's curricular and extracurricular programs.

G) facilitates and engages in activities that provide efficient delivery of ~~core~~ important auxiliary services (including health and nutrition, pupil transportation, risk management, and school security).

H) facilitates and engages in activities that identify financial and material assets and resources and acquire them for subsequent allocation according to organizational goals and priorities.

I) facilitates and engages in activities that maximize fiscal resources through ~~core~~ financial management processes (including planning, budgeting, procurement, accounting, and monitoring).

J) facilitates and engages in activities that create operational plans and procedures in support of organizational vision, mission, and goals.

K) facilitates and engages in activities that use organizational monitoring systems to ensure ~~policy~~ the implementation of policies.

L) facilitates and engages in activities that use management techniques to define roles, assign functions, and delegate accountability relative to achieving goals.

M) facilitates and engages in activities that operate school plant, equipment, and support systems securely, safely, efficiently, and effectively.

N) facilitates and engages in activities that maintain secure, safe, clean, and esthetically pleasing school environments that foster students' learning.

O) facilitates and engages in activities that identify ~~management~~ managerial functions that can be improved using technology.

P) facilitates and engages in activities that provide ongoing training and review to ensure the productive and efficient use of technology in organizational management.

g) Collaboration with Families and Communities

The competent director of special education is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands the multiple stakeholders' groups that comprise the school community, which includes~~,~~ but is not limited to~~,~~ parents, religious groups, business and industry, service

organizations, local and county government, students, other taxpayers, and employees of organizations within the community.

B) knows and understands the conditions and dynamics of the racial, ethnic, linguistic, religious, and socio-economic diversity of the community.

C) knows and understands community resources that provide services that support the vision, mission, and goals of the school organization.

D) knows and understands school-community relations and marketing strategies and processes.

E) knows and understands emerging issues and trends that potentially ~~impact~~ affect the school community and the mission of the school.

F) knows and understands successful models of partnerships between the organization and families, businesses, community groups, governmental agencies, and higher education.

G) knows and understands the political nature of schools and how the political system operates.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that clearly articulate the organizational vision, mission, and goals to multiple stakeholders.

B) facilitates and engages in activities that use political structures and skills to build community support for organizational priorities.

C) facilitates and engages in activities that provide effective communication with individuals and organizations throughout the community.

D) facilitates and engages in activities that inform the organization's decision making by collecting and organizing a variety of formal and informal information from multiple stakeholders.

E) facilitates and engages in activities that provide communications from the organization that are written and spoken clearly and forcefully.

F) facilitates and engages in activities that demonstrate formal and informal listening skills.

G) facilitates and engages in activities that demonstrate group leadership skills.

H) facilitates and engages in activities that identify and consider various political interests within the community ~~environment~~ in organizational decision making.

I) facilitates and engages in activities that educate the community about school funding and referenda.

J) facilitates and engages in activities that mediate conflict between the organization and various stakeholders.

K) facilitates and engages in activities that involve the school organization and community in school improvement efforts.

L) facilitates and engages in activities that demonstrate the ability to build consensus.

M) facilitates and engages in activities that foster educational partnerships with a variety of persons and organizations to promote delivery of educational opportunities.

(Source: Added at 27 Ill. Reg. 5800, effective March 21, 2003)

Section 29.150 New Credential Required – Directors and Assistant Directors of Special Education

Beginning July 1, 2005, the State Board of Education shall issue no further approvals for individuals to serve as State-approved directors or assistant directors of special education pursuant to 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified). As of that date, an administrative certificate endorsed for director of special education shall be required in order

for an individual to serve as either a director or an assistant director of special education. Certain individuals may receive that endorsement as provided in this Section rather than as provided in Section 29.140 of this Part.

a) An individual who has received a letter of approval as an administrator of special education from the State Board of Education at any time may receive an endorsement for director of special education by submitting an application for the endorsement accompanied by the applicable fee and a copy of his or her letter of approval.

b) An individual who holds an administrative certificate and the teaching or school service personnel certification required by Section 29.140 of this Part but who has never been approved as an administrator of special education may receive endorsement for director of special education at any time by submitting an application for the endorsement accompanied by the applicable fee and evidence of having completed 30 semester hours of coursework, distributed among all the areas listed in subsections (b)(1) through (b)(5) of this Section. These requirements must have been met on or before June 30, 2005.

1) Survey of exceptional children.

2) Special methods courses covering at least three areas of disability.

3) Educational and psychological diagnosis and remedial techniques.

4) Guidance and counseling.

5) Supervision of programs for children with disabilities.

c) An individual who holds an administrative certificate and the teacher or school service personnel certification required by Section 29.140 of this Part but who does not meet all the other requirements of subsection (b) of this Section may receive endorsement for director of special education at any time after the test of subject matter knowledge for that endorsement becomes available by passing that test and submitting an application accompanied by the applicable fee. An individual who wishes to qualify for this endorsement pursuant to this subsection (c) shall also be required to pass the test of basic skills if passage of that test would be required for a standard certificate pursuant to 23 Ill. Adm. 25.720 (Applicability of Testing Requirement).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

(Source: Added at 27 Ill. Reg. 5800, effective March 21, 2003)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Permits and General Provisions

2) The Code Citation: 35 Ill. Adm. Code 201

3)

Section Number:	Adopted Action:
201.142	Amended
201.170	New

4) Statutory Authority: 415 ILCS 5/27.

5) Effective Date of Amendments: March 21, 2003

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these amendments contain incorporation by reference? No

8) A copy of the adopted rule is on file in the Board's office at 100 W. Randolph, Suite 11-500, Chicago, Illinois, and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 12537 (August 16, 2002)

10) Has JCAR issued a Statement of Objections to this Rule? No

11) Difference(s) between proposal and final version: The Board made various nonsubstantive changes as suggested by JCAR, during the notice periods. No substantive changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: A more detailed description of these amendments can be found in the Board's February 6, 2003 opinion and order which is available from the address below. The adopted amendments exempt certain smaller emissions sources from applying for construction/operating permits whenever the unit is moved to a new site. Units that are eligible under these adopted amendments must fulfill specific

requirements that are delineated in the new Section 201.170(a). The Illinois Environmental Protection Agency may now issue a single permit authorizing emission from similar operations by the same source owner or operator at multiple temporary locations, except for sources that are affected sources for acid deposition under Title IV of the Clean Air Act. 415 ILCS 39.5(21)(a).

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

William Murphy
Illinois Pollution Control Board
100 West Randolph
Suite ll-500
Chicago, IL 6060l
(312) 814-6062

Copies of the Board's opinion and order in R02-10 may be requested from the Clerk of the Board at the address above. Please reference docket R02-10 in your request. Additionally, copies of the Board's opinion and order are available on the Board's Web site at http://www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

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

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

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

SUBPART B: GENERAL PROVISIONS

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

SUBPART C: PROHIBITIONS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications (Repealed)
201.154 Signatures (Repealed)
201.155 Standards for Issuance (Repealed)
201.156 Conditions
201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
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Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates

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

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

SUBPART C: PROHIBITIONS

Section 201.142 Construction Permit Required

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

(Source: Amended at 27 Ill. Reg. 5820, effective March 21, 2003)

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.170 Portable Emission Units

a) An emission unit is portable provided that the emission unit meets the following criteria.

1) Emissions from the emission unit are expected to occur for less than one year at any one site.

2) The emission unit of air pollution is subject to the requirements of Section 201.169 of this Subpart.

3) The emission unit or group of emission units that will be changing sites is permitted to emit less than 25 tons per year of any combination of regulated air pollutants.

4) The emission unit is mounted on a chassis or skids and is designed to be moveable.

5) The emission unit is not used as a thermal desorption system pursuant to 35 Ill. Adm. Code 728.Table F or as an incinerator system.

b) An owner or operator of a portable emission unit meeting the requirements of subsection (a) of this Section may change the site of the unit without obtaining a new construction or operating permit pursuant to Section 201.142, 201.143, or 201.169 of this Part, provided that the owner or operator meets the following requirements:

1) The owner or operator has obtained a construction and operating permit containing special conditions as required by subsection (c) of this Section

for the emission unit, or is exempt pursuant to subsection (d) of this Section.

2) If a permit issued pursuant to subsection (c) of this Section includes more than one emission unit, the owner or operator shall move all emission units covered by the permit to the new site.

3) The owner or operator does not locate the emission unit on a site with a source:

A) That is subject to the requirements of Section 39.5 of the Act; or

B) That would become subject to the requirements of Section 39.5 of the Act if the emissions of all regulated pollutants from the portable emission unit were included in such source's potential to emit.

4) The owner or operator does not modify the operation of the emission unit in such a way so as to:

A) Make the emission unit subject to New Source Review (NSR) requirements pursuant to 35 Ill. Adm. Code 203 or to Prevention of Significant Deterioration (PSD) pursuant to Section 9.1(a) of the Act; or

B) Make the emission unit a support facility of a source that is subject to Section 39.5 of the Act.

5) At least three days prior to moving the emission unit to a new site, the owner or operator shall notify the Agency by certified mail. The notification shall include the items listed in this subsection (b)(5), unless the emission unit is exempt pursuant to subsection (d) of this Section:

A) The location of the new site;

B) The estimated emissions of all regulated air pollutants while located at the new site; and

C) That the operation for the emission unit will be consistent with its construction and operating permits.

6) The owner or operator shall keep a copy of the construction and operating permits for that emission unit on the site where the emission unit is in operation.

c) Permit Requirements.

1) The owner or operator of an emission unit must obtain a new or amended construction and operating permit containing special conditions for changing the site of the portable emission unit pursuant to the requirements of Sections 201.142, 201.143 and 201.169 of this Subpart prior to an initial change in site of an emission unit. The permit application, in addition to the information required pursuant to Section 201.152, 201.157 and 201.169 of this Part, must contain the following information:

A) The initial site of the emission unit;

B) A permanent address where correspondence may be sent to the owner or operator; and

C) The permanent site of any required operating records.

2) If the portable emission unit has a permit pursuant to this subsection (c), but has not changed sites within the prior twelve months at least once, the owner or operator shall obtain a revised permit prior to changing the site of the emission unit.

d) The owner or operator of a portable emission unit that is included in more than one operating permit and meets the requirements of subsections (a)(2) through (a)(5), (b)(3), (b)(4) and (b)(6) of this Section may change the site of the unit without obtaining a new construction or operating permit pursuant to Section 201.142, 201.143 or 201.169 of this Part when the unit is moved to a site covered by the permit.

(Source: Added at 27 Ill. Reg. 5820, effective March 21, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Advance Practice Nurse

2) Code Citation: 68 Ill. Adm. Code 1305

3)

Section Numbers:	Adopted Action:
1305.10	Amendment
1305.20	Amendment
1305.25	Amendment

4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65].

5) Effective Date of Amendments: March 24, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Rules contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: November 15, 2002, at 26 Ill. Reg. 16812.

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: No substantive differences.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements P.A. 92-0744, effective July 25, 2002, which added Section 15-13 to the Nursing and Advanced Practice Nursing Act to allow a graduate of an advanced practice nursing program to begin

practicing prior to the Department issuing a license as an APN if certain conditions are met. Section 1305.10 was amended to add a definition of temporary practice. Temporary practice license pending as APN shall not exceed 6 months from the date of application to the Department and does not include prescriptive authority. Section 1305.20 sets forth the application process for an APN to qualify for temporary practice and Section 1305.25 adds a $25 processing fee.

16) Information and questions regarding these Adopted Amendments shall be directed to:

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 1305
NURSING AND ADVANCED PRACTICE NURSING ACT -
ADVANCED PRACTICE NURSE

Section	
1305.10	Definitions
1305.15	Application for Licensure Prior to July 1, 2001
1305.20	Application for Licensure Beginning July 1, 2001
1305.25	Fees
1305.30	Written Collaborative Agreements
1305.35	Medical Direction
1305.40	Prescriptive Authority
1305.45	Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist
1305.50	Practice Agreement for Certified Registered Nurse Anesthetist
1305.60	Renewals
1305.70	Advertising
1305.75	Mandatory Reporting of Impaired Advanced Practice Nurses by Health Care Institutions
1305.80	Fines
1305.85	Public Access to Records and Meetings
1305.90	Refusal to Issue a Nurse License based on Criminal History Record
1305.95	Granting Variances

Appendix A	Additional Certifications Accepted for Licensure as an Advanced Practice Nurse
Exhibit A	Sample Written Collaborative Agreement
Exhibit B	Sample Practice Agreement for Office Based Anesthesia Services

Authority: Implementing the Nursing and Advanced Practice Nursing Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/15-2105(7)].

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Source: Adopted at 25 Ill. Reg. 4609, effective March 15, 2001; amended at 26 Ill. Reg. 7279, effective April 26, 2002; amended at 26 Ill. Reg. 11944, effective July 18, 2002; amended by 26 Ill. Reg. 5829, effective March 24, 2003.

Section 1305.10 Definitions

"Act" means the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"APN Board" or "Board" means the Advanced Practice Nursing Board.

"Advanced practice nurse" or "APN" means a person who:

is licensed as a registered professional nurse under the Act;

meets the requirements for licensure as an advanced practice nurse under Section 15-10 of the Act;

except as provided in Section 15-25 of the Act, has a written collaborative agreement with a collaborating physician in the diagnosis of illness and management of wellness and other conditions as appropriate to the level and area of his or her practice in accordance with Section 15-15 of the Act; and

cares for patients:

by using advanced diagnostic skills, the results of diagnostic tests and procedures ordered by the advanced practice nurse, a physician assistant, a dentist, a podiatrist, or a physician, and professional judgment to initiate and coordinate the care of patients;

by ordering diagnostic tests, prescribing medications and drugs in accordance with Section 15-20 of the Act, and administering medications and drugs; and

by using medical, therapeutic, and corrective measures to treat illness and improve health status.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Categories include Certified Nurse Midwife (CNM), Certified Nurse Practitioner (CNP), Certified Registered Nurse Anesthetist (CRNA), or Certified Clinical Nurse Specialist (CNS). (Section 15-5 of the Act)

"Collaborating physician" means a physician who works with an advanced practice nurse and provides medical direction as documented in a written collaborative agreement required under Section 15-15 of the Act. (Section 15-5 of the Act)

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987. (Section 15-5 of the Act)

"Temporary practice" means, pursuant to Section 15-13 of the Act, the practice by a graduate of an advanced practice nursing program as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner or certified registered nurse anesthetist who has applied to the Department in accordance with Section 1305.20.

Temporary practice shall not exceed 6 months from date of application to the Department.

Temporary practice does not include prescriptive authority.

(Source: Amended at 27 Ill. Reg. 5829, effective March 24, 2003)

Section 1305.20 Application for Licensure Beginning July 1, 2001

a) An applicant for licensure as an advanced practice nurse shall file an application on forms provided by the Department. The application shall include:

1) Current Illinois registered nurse license number.

2) Proof of current national certification, which includes completion of an examination, from one of the following:

A) Nurse Midwife certification from:

i) the American College of Nurse Midwives (ACNM ~~Appendix~~); or

ii) the American College of Nurse Midwives Certification Council.

B) Nurse Practitioner certification from:

i) American Academy of Nurse Practitioners Certification Program as a Nurse Practitioner;

ii) American Nurses Credentialing Center as a Nurse Practitioner;

iii) The National Certification Board of Pediatric Nurse Practitioners & Nurses as a Nurse Practitioner;

iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties as a Nurse Practitioner; or

v) The Certification Board for Urologic Nurses and Associates as a Urologic Nurse Practitioner.

C) Registered Nurse Anesthetist certification from:

i) Council on Certification of the American Association of Nurse Anesthetists; or

ii) Council on Recertification of the American Association of Nurse Anesthetists.

D) Clinical Nurse Specialist certification from:

i) American Nurses Credentialing Center (ANCC) as a Clinical Nurse Specialist (acceptable certifications are listed in Appendix ~~Apendix~~ A);

ii) American Association of Critical Care Nurses as a Clinical Nurse Specialist;

iii) Rehabilitation Nursing Certification Board as a Certified Rehabilitation Registered Nurse-Advanced;

iv) Oncology Nursing Certification Corporation as an Advanced Oncology Nurse (AOCN);

v) Certification Board for Urologic Nurses and Associates as Urologic Clinical Nurse Specialist; or

vi) Other certifications listed in Appendix A.

3) The Board, in addition to the certifications listed in subsection (a)(2), may review and make a recommendation to the Department to accept a certification if the certifying body meets the following requirements (certifications are listed in Appendix A):

A) is national in the scope of credentialing;

B) has no requirement for an applicant to be a member of any organization;

C) has an examination that represents a specialty practice category;

D) has an examination that evaluates knowledge, skills and abilities essential for the delivery of safe and effective specialty nursing care;

E) has an examination whose content and distribution are specified in a test plan;

F) has examination items reviewed for content validity, cultural sensitivity and correct scoring, using an established mechanism, both before use and periodically;

G) has an examination evaluated for psychometric performance;

H) has a passing standard established using acceptable psychometric methods and is reevaluated periodically;

I) has examination security maintained through established procedures;

J) issues a certification based upon passing the examination;

K) has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status and changes in the certification program, including qualifications, test plan and scope of practice; and

L) has an evaluation process to provide quality assurance in its certification program.

4) Proof of successful completion of a master's program or higher appropriate for certification as a Nurse Midwife, Nurse Practitioner, Clinical Nurse Specialist or Nurse Anesthetist.

5) A complete work history for the last 5 years.

6) Verification of licensure as an advanced practice nurse from the state in which an applicant was originally licensed, current state of licensure and any other state in which the applicant has been actively practicing as an advanced practice nurse within the last 5 years, if applicable, stating:

A) The time during which the applicant was licensed in that state, including the date of the original issuance of the license; and

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

7) The fee required in Section 1305.25 of this Part.

b) An applicant for licensure as an advanced practice nurse may apply to the Department, on forms provided by the Department, to practice as an advanced practice nurse pending the issuance of the license.

1) The application shall include:

A) A completed, signed application for licensure, as set forth in subsection (a);

B) Documentation from an approved certifying body set forth in subsection (a)(2) and Appendix A indicating the date the applicant is scheduled to sit for the examination. Upon successful completion of the examination, proof of certification shall be submitted to the Department from the certifying body;

C) A certifying statement from a collaborating physician indicating that the individual has completed a proposed collaborative agreement as required by Section 15-15 of the Act or a certifying statement from a physician, dentist or podiatrist indicating that a CRNA has a practice agreement as required by 15-25 of the Act. A CRNA who will be practicing in a hospital setting or ambulatory surgical treatment center is not required to have a collaborative or practice agreement pursuant to Section 15-25 of the Act.

D) The processing fee set forth in Section 1305.20.

2) The Department will provide a letter to each applicant indicating the ability to practice license pending;

3) Practice pending licensure shall be terminated upon:

A) the issuance of a permanent license;

B) failure to complete the application process within 6 months from the date of application;

C) a finding by the Department that the applicant has violated one or more of the grounds for discipline set forth in Section 10-45 or 15-50 of the Act;

D) a finding by the Department that the applicant has had a license or permit related to the practice of advanced practice nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or

E) a finding by the Department that the applicant does not meet the licensure requirements as set forth in this Section.

The Department shall notify the applicant in writing of such termination and shall notify the applicant by certified or registered mail of the intent to deny licensure.

c)~~b)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

d)~~c)~~ An advanced practice nurse license may be issued when the applicant meets the requirements set forth in this Section.

(Source: Amended at 27 Ill. Reg. 5829, effective March 24, 2003)

Section 1305.25 Fees

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

a) Application Fees.

1) The fee for application for a license as an advanced practice nurse is $125.

2) The fee for processing an application for practice license pending as an advanced practice nurse is $25.

b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of $40 per year.

c) General Fees.

DEPARTMENT OF PROFESSIONAL REGULATION

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1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

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

(Source: Amended at 27 Ill. Reg. 5829, effective March 24, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Professional Boxing Act

2) Code Citation: 68 Ill. Adm. Code 1370

3) Section Numbers: Adopted Action:

1370.140	Amendment
1370.305	Amendment
1370.360	Amendment

4) Statutory Authority: Professional Boxing Act [225 ILCS 105].

5) Effective Date of Amendments: March 24, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: December 13, 2002, at 26 Ill. Reg. 17639.

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: 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.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these Adopted Amendments shall be directed to:

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section
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 Exhibitions
1370.320 Application 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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency 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. 5840, effective March 24, 2003.

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.

DEPARTMENT OF PROFESSIONAL REGULATION

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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 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. 5840, effective March 24, 2003)

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.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee 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. 5840, effective March 24, 2003)

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. 5840, effective March 24, 2003)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Professional Counselor and Clinical Professional Counselor Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1375

3) Section Numbers: Adopted Action:

1375.205 New Section

4) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]

5) Effective Date of Amendments: March 24, 2003

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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: December 27, 2002, at 26 Ill. Reg. 18195

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: No substantive differences.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements P.A. 92-710, effective July 25, 2002, that changed fees from statute to administrative rule.

16) Information and questions regarding this amended part shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 1375
PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL COUNSELOR LICENSING ACT

SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section
1375.10 Temporary License as a Professional Counselor (Repealed)
1375.20 How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)
1375.30 Application for Examination/Permanent Licensure as a Professional Counselor
1375.40 Professional Experience as a Professional Counselor after December 31, 1998
1375.50 Approved Professional Counseling Programs
1375.60 Examination – Professional Counselor
1375.70 Endorsement – Professional Counselor
1375.80 Restoration – Professional Counselor

SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section
1375.100 Temporary License as a Clinical Professional Counselor (Repealed)
1375.110 How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor
1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999
1375.135 Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
1375.140 Approved Clinical Professional Counseling Programs
1375.150 Examination – Clinical Professional Counselor
1375.160 Endorsement – Clinical Professional Counselor
1375.170 Restoration – Clinical Professional Counselor

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: GENERAL

Section
1375.200 Renewals
1375.205 Fees
1375.210 Inactive Status
1375.220 Continuing Education
1375.225 Unprofessional Conduct
1375.230 Granting Variances

APPENDIX A Course Descriptions

AUTHORITY: Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 18018, effective December 12, 1994; amended at 22 Ill. Reg. 8460, effective May 4, 1998; amended at 24 Ill. Reg. 7335, effective May 1, 2000; emergency amendment at 26 Ill. Reg. 18488, effective December 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5848, effective March 24, 2003.

Section 1375.205 Fees

The following fees shall be paid to the Department for the administration of the Act and are not refundable:

a) Application Fees

1) The fee for application for a license as a professional counselor or a clinical professional counselor is $150.

2) The fee for application as a continuing education sponsor is $500. State colleges, universities, and State agencies are exempt from payment of this fee.

b) Renewal Fees

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) The fee for the renewal of a license as a professional counselor or a clinical professional counselor shall be calculated at the rate of $60 per year.

2) The fee for renewal as a continuing education sponsor is $250 for the renewal period.

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $20 plus payment of all lapsed renewal fees, but not to exceed $300.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as professional counselors or clinical professional counselors in this State shall be the actual cost of producing the roster.

(Source: Added at 27 Ill. Reg. 5848, effective March 24, 2003)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Adopted Action:

104.102 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: March 24, 2003

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:

October 25, 2002 (26 Ill. Reg. 15261)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences Between Proposal and Final Version:

No substantive changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

These changes pertain to the Department=s rules concerning administrative hearings. The changes are intended to manage the operation of child support hearings in a more efficient and realistic manner. The changes:

- establish a reasonable standard for issuing the decision. The current standard, 60 days, is not realistic. There is no federal or State statute or federal regulation setting forth a time standard for issuance of the decision in a child support hearing. However, the Department's experience has demonstrated that these hearings need to be scheduled at least 30 days in advance and that 30 days should be allowed after the close of the record to prepare the decision. Therefore, this rulemaking provides a standard that requires mailing the decision to relevant parties and their representatives within 90 days after the Department=s receipt of the request for hearing;

- allow for delays in the hearing process that are caused by parties outside of the Department (for example, the custodial parent, the non-custodial parent and/or their representatives); and

- establish a standard for implementing the hearing decision once it is issued (currently, there is no such standard in Section 104.102).

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 AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 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 AMENDMENT

104.110 Conduct of Hearings on Joint Owners 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 ~~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

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NOTICE OF ADOPTED AMENDMENT

104.248 Disqualification of Hearing Officers
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

Section
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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

SUBPART F: INCORPORATION BY REFERENCE

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; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory 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 maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for 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

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NOTICE OF ADOPTED AMENDMENT

amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.102 Conduct of Administrative Support Hearings

a) Hearing De Novo

1) The hearing shall be de novo and the Department's determination of liability or non-liability pursuant thereto shall be independent of the prior determination of liability.

2) In Title IV-D cases, the hearing shall only consider such matters as are relevant for a determination of the duty and financial ability to support under 89 Ill. Adm. Code 160.60 and 160.65.

b) Rules Governing Hearing

1) Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part shall refer to the responsible relative or Title IV-D client who petitions and except as set out in subsection (b)(2) of this Section ~~below~~.

2) In Title IV-D cases, the following additional rules shall govern:

A) A request for appeal must be filed with the regional or central office of the Division ~~Bureau~~ of Child Support Enforcement at the address furnished in the administrative support order.

B) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.

C) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D clients and responsible relatives.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

D) In the event of cross appeals, if the client is an Illinois resident, the hearing shall be held in the client=s county of residence. Otherwise, if the appellant is an Illinois resident, the hearing shall be conducted in the appellant's county of residence. If the appellant is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the appellant nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the appellant, the client, and the Division of Child Support Enforcement. If a party is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Public Aid Code [305 ILCS 5/11-8.2], present his or her case through depositions and witnesses. In addition, a party may request to participate in the hearing by telephone, at his or her own expense.

E) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)

F) In addition to the appellant, the Division of Child Support Enforcement or Title IV-D client may request and receive a continuance for good cause shown (for example, illness or other circumstance which prevents ~~prevent~~ a party from continuing in the normal course of the hearing).

G) Following the hearing, the Director of the Department shall make a Final Administrative Decision. A copy of the decision shall be mailed to each interested party and the parties= representatives, if any, within 90 days after the Department=s receipt of the request for hearing, extended by any delay caused by any party other than the Department. The Department shall take appropriate action implementing the results of the decision within 30 days after its release. ~~A decision on appeal shall be given to the IV-D client and responsible relative within 60 days after the Department's receipt of the appeal unless additional time is required for a proper decision due to the complexity or unavailability of relevant~~

~~evidence, and the IV-D client and responsible relative will be notified of the length of the extension.~~

c) A hearing to vacate registration or to modify the administrative income withholding notice of the Department shall consider only matters which would be available to the responsible relative as defenses in a civil action in Illinois to enforce a foreign money judgment (such as, payment, partial payment, or identification of the party against whom the judgment was entered). If the responsible relative shows the Department that an appeal from the registered support order is pending or will be taken in the court or administrative body of the jurisdiction which originally entered the order, or that a stay of execution has been granted, the Department shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the stay order is vacated.

(Source: Amended at 27 Ill. Reg. 5853, effective March 24, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 300

3)

Section Numbers:	Adopted Action:
300.1610	Amended
300.1620	Amended
300.1630	Amended
300.1640	Amended
300.1650	Amended

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department=s principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register:

July 12, 2002 - 26 Ill. Reg. 10269

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 300.1610(b), Aphysicians@ was changed to Aphysician@; Apracticing@ was deleted.

2. In Section 300.1610(h), Athe@ was added and Awritten@ was stricken; A(see Section 300.1620)@ was added after Aprescriber@.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

3. In Section 300.1610(j), AEmergency@ was stricken and AThe contents and number of emergency@ was added.

4. In Section 300.1610(k)(1), Aor if the kit contains controlled substances that require refrigeration@ was added after Acabinet"; A(or locked refrigerator) or a locked container within a refrigerator as appropriate)@ was added after Aroom@.

5. In Section 300.1610(k)(5), Aperson@ was changed to Apersons@.

6. In Section 300.1610(l), Ainclude@ was changed to Aincluded@; A1999" was changed to A2002".

7. In Section 300.1610(l)(4), Ashall be@ was added after Aand@.

8. In Section 300.1620(b), Aor licensed pharmacist@ was added after Anurse" in line 2; Aor pharmacist@ was added after Anurse@ in line 4.

9. In Section 300.1630(b), Asuch as resident identification wristbands= was stricken.

10. In Section 300.1630(e), Aand the dispensing pharmacist (if the consulting pharmacist and dispensing pharmacist are not associated with the same pharmacy)@ was added after Apharmacist@.

11. In Section 300.1640(c), A, such as . . . reagents@ was stricken.

12. In Section 300.1640(f), Aand, if applicable, the pharmacy technician@ was deleted.

13. In Section 300.1640(f), Aname and address@ was added; Aidentify@ was stricken.

14. In Section 300.1640(h), A, in accordance with the licensed prescriber=s current medication order@ was added after Afacility@.

15. In Section 300.1650(c), Adiscontinued@ was stricken; the comma was stricken; Amedications@ was deleted; Adispensed to Medicaid clients@ was deleted; the following was added after Athose@: Aproducts regulated and defined as controlled substances under Section 802 of the federal Controlled Substances

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Act [21 USC 802],@; Aprohibited . . . included@ was deleted.

16. In Section 300.1650(g), Aon hand@ was stricken.

17. In Section 300.1650(h), Aand strength@ was added after Aname@.

18. In Section 300.1610(l)(1), (4), (5) and (6), Acryogenic@ was changed to Amedical gas@.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Table of Contents, "These" was stricken and "these" was added in Section 300.2810.

2. In the Table of Contents, "(Repealed)" was added in Section 300.3230.

3. In Section 300.1610(f), "Division III" was added before "license".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments:

Section 300.1610 (Medication Policies and Procedures) has been amended to update requirements for medication policies and procedures. Changes include a definition of Alicensed prescriber@ to reflect prescriptive authority under current law; amendment of dosage requirements for convenience boxes; removal of dose limits for emergency medication kits and clarification of labeling requirements; clarification of storage and administration requirements for controlled substances that are stored in emergency medication kits; additional requirements for oxygen administration, including storage, personnel training, and operation of the oxygen system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 300.1620 (Conformance with Physician=s Orders) has been amended to include requirements for facsimile or electronic orders.

Section 300.1630 (Administration of Medication) has been amended to clarify medication administration policies in accordance with statutory requirements.

Section 300.1640 (Labeling and Storage of Medication) has been amended to allow an access code in place of a key to a locked medication storage area and to update prescribing requirements.

Section 300.1650 (Control of Medications) has been amended to update requirements for discontinued medications and transfer of medications to another facility.

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.Il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
300.110 General Requirements
300.120 Application for License
300.130 Licensee
300.140 Issuance of an Initial License for a New Facility
300.150 Issuance of an Initial License Due to a Change of Ownership
300.160 Issuance of a Renewal License
300.163 Alzheimer's Special Care Disclosure
300.165 Criteria for Adverse Licensure Actions
300.170 Denial of Initial License
300.175 Denial of Renewal of License
300.180 Revocation of License
300.190 Experimental Program Conflicting With Requirements
300.200 Inspections, Surveys, Evaluations and Consultation
300.210 Filing an Annual Attested Financial Statement
300.220 Information to Be Made Available to the Public By the Department
300.230 Information to Be Made Available to the Public By the Licensee
300.240 Municipal Licensing
300.250 Ownership Disclosure
300.260 Issuance of Conditional Licenses
300.270 Monitor and Receivership
300.271 Presentation of Findings
300.272 Determination to Issue a Notice of Violation or Administrative Warning
300.274 Determination of the Level of a Violation
300.276 Notice of Violation
300.277 Administrative Warning
300.278 Plans of Correction
300.280 Reports of Correction
300.282 Conditions for Assessment of Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

300.284 Calculation of Penalties
300.286 Determination to Assess Penalties
300.288 Reduction or Waiver of Penalties
300.290 Quarterly List of Violators (Repealed)
300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
300.310 Department May Survey Facilities Formerly Licensed
300.315 Supported Congregate Living Arrangement Demonstration
300.320 Waivers
300.330 Definitions
300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
300.510 Administrator

SUBPART C: POLICIES

Section
300.610 Resident Care Policies
300.615 Determination of Need Screening
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993;

amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; amended at 27 Ill. Reg. 5862, effective April 1, 2003.

SUBPART H: MEDICATIONS

Section 300.1610 Medication Policies and Procedures

a) Development of Medication Policies

1) Every facility shall adopt written policies and procedures~~, which are consistent with the purpose of the Act and this Part and which shall be followed in the operation of the facility,~~ for properly and promptly obtaining, dispensing, administering, returning, and disposing of drugs and medications. These policies and procedures shall be consistent with the Act and this Part and shall be followed by the facility. These policies and procedures shall be in compliance with all applicable federal~~Federal~~, State and local laws. ~~(A, B)~~

~~2)~~ Medication ~~These~~ policies and procedures shall be developed with the advice of a pharmaceutical advisory committee that ~~which~~ includes at least one licensed pharmacist, one physician, the administrator and the director of nursing~~Director of Nursing Services (Skilled Nursing Facility), or Health Services Supervisor (Intermediate Care Facility)~~. This committee ~~Committee~~ shall meet at least quarterly. ~~(B)~~

b) For the purpose of this Subpart, "licensed prescriber" means a physician; a dentist; a podiatrist; an optometrist certified to use therapeutic ocular pharmaceutical agents; a physician assistant to whom prescriptive authority has been delegated by a supervising physician; or an advanced practice nurse practicing under a valid collaborative agreement.

~~c)b)~~ All legend medications maintained in the facility shall be on individual

prescription or from the licensed prescriber's ~~physician's~~ personal office supply, and shall be ~~properly~~ labeled as set forth in Section 300.1640. A licensed prescriber ~~physician~~ who dispenses ~~supplies~~ medication from his or her personal office supply shall ~~must~~ comply with Sections ~~the requirements of Section~~ 33 and 54.5 of the Medical Practice Act of 1987 [225 ILCS 60/33 and 54.5]; or Section 51 of the Illinois Dental Practice Act [225 ILCS 25/51]; or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]; or Section 15.1 of the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1]; or Section 15-20 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/15-20]; or Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/7.5]. ~~(Ill. Rev. Stat. 1987, ch. 111, par. 4400-33). (B)~~

d)~~c)~~ All medications administered shall be ~~properly~~ recorded as set forth in Section 300.1810~~(d)~~. Medications shall not be recorded as having been administered prior to their actual administration to the resident. ~~(B)~~

e)~~d)~~ The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical service.

f)~~e)~~ A ~~Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The~~ pharmacist shall ~~then~~ obtain a Division III license to operate an on-premises ~~the~~ pharmacy in accordance with the Pharmacy Practice Act of 1987 [225 ILCS 85] and the rules of the ~~rules and regulations of the~~ Department of Professional Regulation(68 Ill. Adm. Code 1330).

g)~~f)~~ No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those in the emergency medication kits and convenience boxes, as described in ~~subsections (h) and (i) of~~ this Section. ~~(B)~~

h)~~g)~~ A facility may stock drugs that ~~which~~ are regularly available without prescription. ~~at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics.~~ These shall be administered ~~given~~ to a resident only upon the ~~written~~ order of a licensed prescriber (see Section 300.1620). ~~the physician, dentist, or podiatrist,~~ Administration shall be ~~administered~~ from the original containers, and shall be recorded in the resident's clinical record. ~~(B)~~

~~i)h)~~ A facility may keep ~~"~~ convenience boxes~~"~~ containing ~~a reasonable number of~~ medications to be used for initial doses. ~~normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six single doses of any one medication for each 100 licensed beds or portion thereof. Such conditions may include, but are not limited to; convulsions, serious emotional upsets, diarrhea, infection, severe pain, etc. A dose shall be that~~

~~amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two tablets, the facility may keep twelve tablets in the convenience box. (B)~~

1) The contents and number of ~~these "~~ convenience boxes~~"~~ shall be determined by the pharmaceutical advisory committee. The contents shall be listed~~, and there shall be a label~~ on the outside of each box~~, listing the contents~~. ~~(B)~~

2) Each ~~"~~ convenience box~~"~~ shall be the property of and under the control of the pharmacy that ~~which~~ supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. ~~(B)~~

3) No Schedule II controlled substances shall be kept in ~~"~~ convenience boxes.~~" (B)~~

j)~~i)~~ The contents and number of emergency ~~Emergency~~ medication kits ~~containing drugs necessary for life saving measures~~ shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations ~~as~~ determined by the pharmaceutical advisory committee. ~~(B)~~

~~1)~~ Each emergency medication ~~In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each~~ kit shall be sealed after it has been checked and refilled. ~~This would ensure that the contents of each kit is intact when needed in an emergency.~~

~~2)~~ Emergency medication ~~These kits shall consist of no more than three single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic or allergic reactions, acute convulsions, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic. The~~ kits shall ~~should~~ also contain all of the equipment needed to administer the ~~these~~ medications.~~, such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B)~~

3) The contents of emergency medication ~~these~~ kits shall be labeled on the outside of each kit. The kits shall be checked and refilled by the pharmacy after use and as otherwise needed. The ~~They shall be reviewed by the~~ pharmaceutical advisory committee shall review the list of substances kept in emergency medication kits ~~regarding content~~ at least quarterly. Written documentation of this review shall be maintained. ~~(B)~~

k)~~j)~~ The ~~Since emergency medication kits must be available for immediate use at all~~

~~times, the~~ following requirements shall ~~must~~ be met when controlled substances are kept as part of the emergency medication kits: ~~(B)~~

1) If an emergency medication kit is not stored in a locked room or cabinet, or if the kit contains controlled substances that require refrigeration, then the ~~The~~ controlled substances portion of the kit shall ~~must~~ be stored separately in a locked cabinet or room (or locked refrigerator or a locked container within a refrigerator, as appropriate) and labeled with a list of the substances and a statement that they are part of the emergency medication kit. ~~, and labeled as to substance and the fact that they are a part of the emergency medication kit.~~ The label of the emergency medication kit shall list the substances and the specific location where they are stored. ~~(B)~~

2) Controlled ~~The controlled~~ substances for emergency medication kits shall ~~must~~ be obtained from a federal Drug Enforcement Administration registered hospital, pharmacy, or licensed prescriber ~~practitioner~~. ~~(B)~~

3) Only the director of nursing ~~services~~, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or ~~practitioner~~ licensed prescriber shall have access to ~~these~~ controlled substances stored in emergency medication kits. ~~(B)~~

4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single~~, injectable~~ doses of any one controlled substance. ~~(B)~~

~~5)~~ Controlled ~~These controlled~~ substances in emergency medication kits may be administered only ~~under the emergency conditions set forth in subsection (i)(2) of this Section and only~~ by persons licensed to administer medications~~registered nurses, licensed practical nurses or practitioners~~, in compliance with 21 CFR 1306.11 and ~~21 CFR~~ 1306.21 and ~~the Department of Professional Regulation's rules for the administration of~~ the Illinois Controlled Substances ~~Substance~~ Act [720 ILCS 570] ~~(77 Ill. Adm. Code 3100).(B)~~

6) A proof-of-use sheet shall be stored with each ~~separate~~ controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or licensed prescriber ~~practitioner~~ when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets. ~~(B)~~

7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked, or the controlled

substance is replaced ~~by the consultant pharmacist~~. Shift counts are not mandatory when the kit is sealed. Forms ~~Proper forms~~ for shift counts shall be kept with the controlled substances portion ~~these portions~~ of the emergency medication kit ~~kits~~. ~~(B)~~

8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of each kit. ~~(B)~~

9) Failure to comply with any provision of this Section ~~rule,~~ or with ~~of~~ any applicable provision of State ~~state~~ or federal statutes or State regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until ~~such time as~~ the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines and other penalties.

l)~~k)~~ Oxygen may be administered in a facility. ~~either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled~~ The oxygen supply shall be stored and handled in accordance with the ~~1977~~ National Fire Protection Association ~~Standards~~ Standard No. 99: Standard for Health Care Facilities (2002, no later amendments or editions included)~~, but no subsequently amended edition of the standards,~~ for nonflammable medical gas systems. ~~(See Section 300.2820 or Section 300.3020 as appropriate).~~ The facility shall comply ~~must be in compliance~~ with directions for use of oxygen ~~concentrators~~ systems as established by the manufacturer and the applicable provisions of the NFPA Life Safety Code (see Section 300.340) and NFPA 99. ~~(A, B)~~

1) Facilities shall store medical grade products separately from industrial grade products. The storage area for medical grade products shall be well defined with one area for receiving full medical gas vessels and another for storing empty vessels.

2) All personnel who will be handling medical gases shall be trained to recognize the various medical gas labels. Personnel shall be trained to examine all labels carefully.

3) If the facility's supplier uses 360-degree wrap-around labels to designate medical oxygen, personnel shall be specifically trained to make sure each vessel they connect to the oxygen system bears such a label.

4) All facility personnel responsible for changing or installing medical gas vessels shall be trained to connect medical gas vessels properly. Personnel shall understand how vessels are connected to the oxygen supply system and shall be alerted to the serious consequences of changing connections.

5) If a medical gas vessel fitting does not seem to connect to the oxygen

system fitting, the supplier shall be contacted immediately. The vessel shall be returned to the supplier to determine the fitting or connection problem.

6) Once a medical gas vessel has been connected to the oxygen supply system, but prior to introducing the product into the system, a trained facility staff member shall ensure that the correct vessel has been connected properly.

(Source: Amended at 27 Ill. Reg. 5862, effective April 1, 2003)

Section 300.1620 Compliance with ~~Conformance With~~ Licensed Prescriber's ~~Physician's~~ Orders

a) All medications~~, including catharties, headache remedies, or vitamins,~~ shall be given only upon the written, facsimile or electronic order of a licensed prescriber~~physician~~. The facsimile or electronic order of a licensed prescriber shall be authenticated by the licensed prescriber within 10 calendar days, in accordance with Section 300.1810. All such orders shall have the handwritten signature (or unique identifier) of the licensed prescriber ~~physician~~. (Rubber stamp signatures are not acceptable.) These medications shall be administered ~~given~~ as ordered ~~prescribed~~ by the licensed prescriber ~~physician~~ and at the designated time.

b) Telephone orders may be taken by a registered nurse, ~~or~~ licensed practical nurse or licensed pharmacist. All such orders shall be immediately written on the resident's clinical record~~,~~ or a ~~"~~ telephone order form~~"~~ and signed by the nurse or pharmacist taking the order. These orders shall be countersigned by the licensed prescriber ~~physician~~ within 10 calendar days. ~~Facilities participating in Medicare/Medicaid must meet the applicable Federal regulations.~~

c) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including licensed prescribers' ~~physician~~ orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, and Section 300.Appendix F, determine if there are irregularities that ~~which would~~ may cause potential adverse reactions, allergies, contraindications, medication errors,or ineffectiveness. This review shall be done at the facility and shall~~. Documentation of this review must~~ be documented ~~entered~~ in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, the director of nursing and the administrator, and shall be acted upon.

d) A medication order not specifically limiting the time or number of doses shall be

automatically stopped in accordance with written policies approved by the pharmaceutical advisory committee.

e) The resident's licensed prescriber ~~attending physician~~ shall be notified of medications about to be stopped so that the licensed prescriber ~~physician~~ may promptly renew such orders to avoid interruption of the resident's therapeutic regimen.

f) The licensed prescriber shall approve the release of any ~~All~~ medications ~~to be released~~ to the resident, or person responsible for the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time. Disposition of the medications ~~(such as when attending a vocational training program or on a weekend pass), shall be approved by the physician. A notation concerning their disposition~~ shall be noted in ~~made on~~ the resident's clinical record.

(Source: Amended at 27 Ill. Reg. 5862, effective April 1, 2003)

Section 300.1630 Administration of Medication

~~a) All medications shall be administered only by licensed medical or licensed nursing~~ personnel who are licensed to administer medications, in accordance with their respective licensing requirements. Licensed practical nurses shall have ~~(See Agency Note) (Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools~~ successfully completed ~~complete~~ a course in pharmacology or have at least one year's full-time supervised ~~equivalent~~ experience in administering medications in a health care setting~~, in order to be considered to "have either training or experience, or both, in the job assigned to them" [Section 300.650(b)(1)],~~ if their duties include administering medications to residents.~~) (A, B)~~

1) Medications shall be administered as soon as possible after doses are prepared at the facility and shall be administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. ~~(B)~~

2) Each dose administered shall be properly recorded in the clinical record ~~records~~ by the person who administered ~~administers~~ the dose. (See Section 300.1810~~(d)~~.) ~~(A, B)~~

3) Self-administration of medication shall be permitted only upon the written order of the licensed prescriber ~~attending physician~~. ~~(B)~~

~~b) The facility shall have medication records~~ that ~~which~~ shall be used and checked

against the licensed prescriber's ~~physician's~~ orders to assure proper administration of medicine to each resident. ~~Such records as computer generated medication sheets may be used.~~ Medication records shall include or be accompanied by recent photographs or other means of easy, accurate resident identification ~~such as resident identification wristbands~~. Medication records shall contain the resident's name, diagnoses, known allergies, current medications, dosages, directions for use, and, if available ~~possible~~, a history of prescription and non-prescription medications taken by the resident during the 30 days prior to admission to the facility. ~~(B)~~

c) Medications prescribed for one resident shall not be administered to another resident. ~~(B)~~

~~d) If, for any reason, a~~ licensed prescriber's ~~physician's~~ medication order cannot be followed, the licensed prescriber ~~physician~~ shall be notified as soon as is reasonable, depending upon the situation, and a notation made in ~~on~~ the resident's record. ~~(B)~~

e) Medication errors and drug reactions shall be immediately reported to the resident's physician, licensed prescriber if other than a physician, ~~and~~ the consulting pharmacist and the dispensing pharmacist (if the consulting pharmacist and dispensing pharmacist are not associated with the same pharmacy). An entry ~~thereof~~ shall be made in the resident's clinical record, and the error or reaction shall also be described in an incident report. ~~(A, B)~~

f) Nurses' stations shall be equipped as per Sections 300.2860 ~~(e)~~ or 300.3060~~d)~~ and shall have all necessary items readily available for the proper administration of medications.

g) Current medication references shall be available, such as the current edition of " Drug Facts and Comparisons", "Hospital Formulary~~,~~" , "USP-DI (United States Pharmacopeia-Drug Information)", "Physician's Desk Reference" or other suitable references.

~~AGENCY NOTE: Attorney General's Opinion File No. 5-1033, dated Jan. 9, 1976 concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3401 et seq.), and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendents, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."~~

(Source: Amended at 27 Ill. Reg. 5862, effective April 1, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 300.1640 Labeling and Storage of Medications

a) All medications for all residents shall be properly labeled and stored at, or near, the nurses' station, in a locked cabinet, a locked medication room, or one or more locked mobile medication carts of satisfactory design for such storage. (See subsections (f) and (g) of this Section.) ~~(B)~~

1) These cabinets, rooms, and carts shall be well lighted and of sufficient size to permit storage without crowding. ~~(B)~~

2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely~~ either in a locked room or otherwise made immobile~~. ~~(B)~~

b) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room, or mobile medication cart. ~~(B)~~

c) All poisonous substances and other hazardous compounds~~, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents,~~ shall be kept in a separate locked container away from medications. ~~(B)~~

d) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. ~~(B)~~

e) The key or access code to the medicine cabinet, medicine room, or ~~and~~ mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer medications, at all times. ~~(B)~~

f) The label of each individual multi-dose medication container filled by a pharmacist shall clearly indicate the resident's full name; licensed prescriber's~~, physician's~~ name;~~,~~ prescription number, name, strength and quantity of drug;~~,~~ date this container was last filled;~~,~~ the initials of the pharmacist filling the prescription;~~,~~ the name and address ~~identity~~ of the pharmacy;~~,~~ and any necessary special instructions. If the individual multi-dose medication container is dispensed by a licensed prescriber ~~physician~~ from his or her own supply, the label shall clearly indicate all of the preceding information and the source of supply; it shall exclude ~~except that pertaining to the~~ identification of the pharmacy, pharmacist and prescription number.

g) Each single unit or unit dose package shall bear the proprietary or nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the licensed prescriber ~~physician~~ do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable.

Hardware for storing and delivering the medications shall be labeled with ~~have a label bearing~~ the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the initials (or unique identifier) of the pharmacist who reviewed and verified the medications ~~on hand~~. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. ~~(B)~~

h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing licensed prescriber ~~physician~~ for relabeling or disposal. Medications whose directions for use have changed since the medication was originally dispensed and labeled may be retained for use at the facility, in accordance with the licensed prescriber's current medication order. Medications in containers having no labels shall be destroyed in accordance with federal ~~Federal~~ and State laws. ~~(B)~~

i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse, acting as the agent of the resident, may remove previously dispensed medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication.~~, as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities.~~ When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name and strength of the medication, instructions for administration ~~taking~~ and any other appropriate information. ~~(B)~~

(Source: Amended at 27 Ill. Reg. 5862, effective April 1, 2003)

Section 300.1650 Control of Medications

a) The facility shall comply with all federal ~~Federal~~ and State laws and State regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.

b) All Schedule II controlled substances shall be stored ~~in such a manner~~ so that two

separate locks, using two different keys, must be unlocked to obtain these substances. This may be accomplished by several methods, such as locked cabinets within locked medicine rooms;~~,~~ separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet;~~,~~ locked portable medication carts that~~, which~~ are stored in locked medicine rooms when not in use;~~,~~ or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile.

~~c) All discontinued~~ medications~~, or those~~ having an expiration date that has passed, and all medications of residents who have been discharged or who have died ~~expired,~~ shall be disposed of in accordance with the written policies and procedures ~~that have been~~ established by the facility in accordance with Section 300.1610. Medications shall be transferred with a resident, upon the order of the resident's physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act (21 USC 802), shall be returned to the dispensing pharmacy.~~This rule shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit.~~ Medications for any resident who has been temporarily transferred to a hospital ~~such persons~~ shall be kept in the facility. Medications may be given to a discharged resident only upon the order of the licensed prescriber. ~~until such time as the resident expires or is discharged from the facility.~~ ~~(B)~~

d) Inventory Controls

1) For all Schedule II controlled substances, a controlled substances record shall be maintained that ~~which~~ lists on separate sheets, for each type and strength of Schedule II controlled substance, the following information: date, time administered, name of resident, dose, licensed prescriber's ~~physician's~~ name, signature of person administering dose, and number of doses remaining.

2) The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 27 Ill. Reg. 5862, effective April 1, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3)

Section Numbers:	Adopted Action:
330.1510	Amended
330.1520	Amended
330.1530	Amended

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of rules: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department=s principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register:

July 12, 2002 - 26 Ill. Reg. 10289

10) Has JCAR issued a Statement of Objection to this/these rules? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 330.1510(a)(3), Aresident@ was deleted and strikeouts were removed from Aresident=s@.

2. In Section 330.1510(b), Apractice@ was deleted.

3. In Section 330.1510(f)(4), Ashall@ was added after Aand@.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

4. In Section 330.1510(g), Adiscontinued legend or controlled drugs, all@ was stricken; Aregulations of the@ was stricken; Afederal@ was deleted; ADrug Enforcement Administration by the prescribing physician or the consultant pharmacist."; was stricken; the following was added: Awritten policies and procedures established by the facility in accordance with Section 330.1510. Medications shall be transferred with a resident, upon order of the resident=s physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act [21 USC 802], shall be returned to the dispensing pharmacy."; "(21 CFR 1306, April 1, 2001, no later amendments or editions included)@ was deleted.

5. In Section 330.1520(b), Asuch as serums, vaccines, antigens and antitoxins)@ was stricken.

6. In Section 330.1530(f), Aand, if applicable, pharmacy technician@ was deleted.

7. In Section 330.1530(g), Ain accordance with the licensed prescriber=s current medication order@ was added after Afacility@.

8. In Section 330.1510(f), A1999" was changed to A2002".

9. In Section 330.5150(f)(1), (4), (5), and (6), Acryogenic@ was changed to Amedical gas@.

The following changes were made in response to comments and suggestions of the JCAR:

In the Table of Contents, "(Repealed)" was added after Section 330.4230, "Restraints".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments:

Section 330.1510 (Medication Policies and Procedures) has been amended to update requirements for medication policies and procedures. Changes include a definition of Alicensed prescriber@ to reflect prescriptive authority under current law; additional requirements for oxygen administration, including storage, personnel training, and operation of the oxygen system; incorporation of federal Drug Enforcement Administration requirements for disposal of medications.

Section 330.1520 (Administration of Medication) has been amended to clarify medication administration policies in accordance with statutory requirements.

Section 330.1530 (Labeling and Storage of Medication) has been amended to update labeling requirements.

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.Il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE

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330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
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330.210	Filing an Annual Attested Financial Statement
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330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
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330.276	Notice of Violation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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330.278 Plans of Correction
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330.282 Conditions for Assessment of Penalties
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330.286 Determination to Assess Penalties
330.288 Reduction or Waiver of Penalties
330.290 Quarterly List of Violators (Repealed)
330.300 Alcoholism Treatment Programs In Long-Term Care Facilities
330.310 Department May Survey Facilities Formerly Licensed
330.315 Supported Congregate Living Arrangement Demonstration
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330.330 Definitions
330.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
330.510 Administrator

SUBPART C: POLICIES

Section
330.710 Resident Care Policies
330.720 Admission and Discharge Policies
330.730 Contract Between Resident and Facility
330.740 Residents' Advisory Council
330.750 General Policies
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330.765 Initial Health Evaluation for Employees
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DEPARTMENT OF PUBLIC HEALTH

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330.913 Nursing and Personal Care Assistants (Repealed)
330.916 Student Interns (Repealed)
330.920 Consultation Services
330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

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330.1110 Medical Care Policies
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330.1135 Tuberculin Skin Test Procedures
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330.1150 Emergency Use of Physical Restraints
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SUBPART F: RESTORATIVE SERVICES

Section
330.1310 Activity Program
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SUBPART G: MEDICATIONS

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SUBPART H: RESIDENT AND FACILITY RECORDS

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DEPARTMENT OF PUBLIC HEALTH

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DEPARTMENT OF PUBLIC HEALTH

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330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section

330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
330.2840 New Constructions, Additions, Conversions, and Alterations
330.2850 Preparation and Submission of Drawings and Specifications
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.3310 Applicable Requirements (Repealed)
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

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330.3610 Site
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330.3630 Administration
330.3640 Corridors
330.3650 Bath and Toilet Rooms
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

330.3940 Exit Facilities and Subdivision of Floor Areas
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330.4210 General
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330.4240 Abuse and Neglect
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330.4280 Contract With Facility
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330.4310 Complaint Procedures
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SUBPART R: DAY CARE PROGRAMS

Section
330.4510 Day Care In Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
APPENDIX C Forms for Day Care in Long-Term Care Facilities
APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
APPENDIX E Guidelines for the Use of Various Drugs
TABLE A Heat Index Table/Apparent Temperature

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; amended at 27 Ill. Reg. 5886, effective April 1, 2003.

SUBPART G: MEDICATIONS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1510 Medication Policies

a) Every facility shall adopt written policies and procedures~~, which are consistent with the purpose of the Act and this Part and which shall be followed in the operation of the facility,~~ for assisting residents in obtaining individually prescribed medication for self-administration and for disposing of medications prescribed by the attending physicians. These policies and procedures shall be consistent with the Act and this Part and shall be followed by the facility.~~(A, B)~~

~~1)~~ Medication ~~These~~ policies and procedures shall be developed with consultation from an Illinois registered professional nurse and a registered pharmacist. These policies and procedures shall be part of the written program of care and services. ~~(See Section 330.710.) (B)~~

2) All medications taken by residents shall ~~in a facility must~~ be ordered by the licensed prescriber ~~attending physician~~ directly from a pharmacy. If ~~Facility staff may not order medication from a pharmacy, unless~~ the facility has a licensed nurse who supervises the medication regimen of the residents~~. In such facilities~~, the nurse may transmit the licensed prescriber's~~physician's~~ orders to the pharmacy.~~, as is done in nursing homes. (A, B)~~

~~3)~~ ~~If the policies of the~~ facility policy permits ~~permit~~ residents to be totally responsible for their own medication, with ~~when the attending physician gives~~ written permission from the attending physician,~~for such action, the policies of the facility shall provide that~~ the resident and attending physician shall be given written statements concerning what the ~~the relative~~ responsibilities of the ~~each of the three parties~~ (facility, the resident and the physician~~), in cases where~~ are if the resident, or any other person, suffers harm as a result of ~~due to~~ the resident's ~~actions in~~ handling his or her ~~their~~ own medications.

~~4)~~ ~~If the facility elects to administer medications to some residents for control purposes, the medications~~ shall~~must~~ be administered by personnel who are licensed to administer medications, in accordance with their respective licensing requirements.~~licensed physicians or nurses.~~ Medications shall not be recorded as having been administered prior to their actual administration to the resident.

b) For the purpose of this Subpart, "licensed prescriber" means a physician; a dentist; a podiatrist; an optometrist certified to use therapeutic ocular pharmaceutical agents; a physician assistant to whom prescriptive authority has been delegated by a supervising physician; or an advanced practice nurse

practicing under a valid collaborative agreement.

c~~b~~) Drug and Pharmacy Restrictions

1) No facility shall stock drugs.

2) No facility shall operate a pharmacy.

d~~c~~) All medications on individual prescription or from the licensed prescriber's ~~physician's~~ personal supply shall be ~~properly~~ labeled as set forth in Section 330.1530(f). A licensed prescriber who dispenses medication from his or her personal office supply shall comply with Sections 33 and 54.5 of the Medical Practice Act of 1987 [225 ILCS 60/33 and 54.5]; or Section 51 of the Illinois Dental Practice Act [225 ILCS 25/51]; or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]; or Section 15.1 of the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1]; or Section 15-20 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/15-20]; or Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/7.5]. ~~(A, B)~~

1) All other medications shall be authorized by a licensed prescriber ~~physician~~ for individual resident use, and shall be clearly identified with the resident's name. ~~(A, B)~~

2) Attending physicians shall review the medication regimen of each resident at least every six months. This ~~Documentation of this~~ review shall be documented~~entered~~ in the resident's record. ~~(B)~~

e~~d~~) Medication Records

1) All medications used by residents shall be ~~properly~~ recorded by facility staff at time of use. (See Section 330.1710~~(g)~~.)

2) A medication record shall ~~need not~~ be kept for those residents for whom the attending physician has given permission to keep their medication in their room and to be fully responsible for taking the medications in the correct dosage and at the proper times ~~themselves~~.

f~~e~~) Oxygen may be administered in a facility. The oxygen supply shall be stored and handled in accordance with the National Fire Protection Association (NFPA) Standard No. 99: Standard for Health Care Facilities (2002, no later amendments or editions included) for nonflammable medical gas systems. The facility shall comply with directions for use of oxygen systems as established by the manufacturer and the applicable provisions of NFPA 99 and the NFPA Life Safety Code (see Section 330.340).~~Bottled oxygen may not be administered in a facility, except in an emergency. Not more than one 12-pound portable size tank of oxygen for such an emergency use shall be kept in the facility. However, the use of an oxygen concentrator is permitted when prescribed by a physician for a resident. The facility must be in compliance with directions for use of such equipment as established by the manufacturer. (A, B)~~

1) Facilities shall store medical grade products separately from industrial grade products. The storage area for medical grade products shall be well defined with one area for receiving full medical gas vessels and another for storing empty vessels.

2) All personnel who will be handling medical gases shall be trained to recognize the various medical gas labels. Personnel shall be trained to examine all labels carefully.

3) If the facility's supplier uses 360-degree wrap-around labels to designate medical oxygen, personnel shall be specifically trained to make sure each vessel they connect to the oxygen system bears such a label.

4) All facility personnel responsible for changing or installing medical gas vessels shall be trained to connect medical gas vessels properly. Personnel shall understand how vessels are connected to the oxygen supply system and shall be alerted to the serious consequences of changing connections.

5) If a medical gas vessel fitting does not seem to connect to the oxygen system fitting, the supplier shall be contacted immediately. The vessel shall be returned to the supplier to determine the fitting or connection problem.

6) Once a medical gas vessel has been connected to the oxygen supply system, but prior to introducing the product into the system, a trained facility staff member shall ensure that the correct vessel has been connected properly.

g~~f~~) All ~~discontinued legend or controlled drugs, all~~ medications having an expiration date that has passed, and all medications of residents who have died~~expired~~, shall be disposed of in accordance with the ~~rules and~~ written policies and procedures established by the facility in accordance with Section 330.1510. Medications shall be transferred with a resident, upon order of the resident's physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act (21 USC 802), shall be returned to the dispensing pharmacy. ~~regulations of the Federal Drug Enforcement Administration by the prescribing physician or the consultant pharmacist.~~ Disposition ~~A notation of their disposition~~ shall be noted ~~made~~ in the resident's record.~~(B)~~

(Source: Amended at 27 Ill. Reg. 5886, effective April 1, 2003)

Section 330.1520 Administration of Medication

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

a) All medications taken by residents shall ~~in this type of facility must~~ be self-administered, unless administered by personnel who are licensed to administer medications, in accordance with their respective licensing requirements. Licensed practical nurses shall have successfully completed a course in pharmacology or have at least one year's full-time supervised experience in administering medications in a health care setting if their duties include administering medications to residents. ~~a nurse or physician properly licensed to practice in Illinois. Facility staff shall not administer medication to residents unless the staff person is a properly licensed nurse or physician. (1)(B)~~

b) No person shall be admitted to a ~~this type of~~ facility who is not capable of taking his or her ~~their~~ own medications and any needed biologicals ~~(such as serums, vaccines, antigens and antitoxins)~~, as approved in writing by the resident's personal physician. Facility staff~~, as they exercise program oversight,~~ may remind residents when to take medications and watch to ensure that they follow the directions on the container. ~~(B)~~

c) Assistance in Self-Administration of Medications

1) Facility staff may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

2) Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so himself without spilling it.) ~~(B)~~

~~(1)Attorney General's Opinion File No. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1983, ch. 111, pars 3401 et seq.), and, as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."~~

(Source: Amended at 27 Ill. Reg. 5886, effective April 1, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 330.1530 Labeling and Storage of Medications

a) All medications shall be stored in a locked area at all times. Areas shall be well lighted and of sufficient size to permit storage without crowding. This area may be a drawer, cabinet, closet, or room. In those facilities where a licensed nurse dispenses medication to residents, medications may be stored in a locked mobile medication cart, which is made immobile when not in use by the nurse to dispense medication. ~~(B)~~

b) The key to the medicine area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents. ~~(B)~~

1) The medicine area shall not be used for any other purpose. It shall not be located in residents' rooms, bathrooms, or the kitchen. However, for those persons whom the attending physician has given written permission to handle their own medication, medications may be stored in a locked drawer or cabinet in the resident's room. ~~along with other possessions of that resident. (B)~~

2) Residents ~~for~~ whom the attending physician has given permission to be totally responsible for their own medication shall maintain possession of the key, or combination of the lock, to their own medication storage area. A duplicate key, or a copy of the combination, shall be kept by the facility in a ~~its safe, or some other~~ secure place~~,~~ for emergency use. ~~, such as if the resident should lose or misplace their key, or forget the combination. (B)~~

c) Medications for external use shall be kept in a separate location in the medicine area or in a separate locked area. ~~(B)~~

d) All poisonous substances and other hazardous compounds shall be kept in a separate locked area away from medications. ~~(B)~~

e) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened and locked container in a refrigerator, or in a locked refrigerator. ~~(B)~~

f) The label of each individual medication container filled by a pharmacist shall clearly indicate the resident's full name; ~~,~~ licensed prescriber's ~~physician's~~ name; ~~,~~ prescription number, name, ~~and~~ strength and quantity of drug; ~~, amount of drug,~~ date of issue; ~~,~~ expiration date of all time-dated drugs; name, address, and telephone number of pharmacy issuing the drug; and the initials of the pharmacist filling the prescription. If the individual medication container is filled by a licensed prescriber ~~physician~~ from his or her own supply, the label shall clearly indicate all of the preceding information and the source of supply; it shall exclude ~~except that pertaining to the~~ identification of the pharmacy, pharmacist, and

prescription number. ~~(B)~~

g) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing licensed prescriber ~~physician~~ for relabeling or disposal. Medications whose directions for use have changed since the medication was originally dispensed and labeled may be retained for use at the facility in accordance with the licensed prescriber's current medication order. Medications in containers having no labels shall be destroyed in accordance with federal ~~Federal~~ and State laws. ~~(B)~~

h) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers. ~~(B)~~

(Source: Amended at 27 Ill. Reg. 5886, effective April 1, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Veterans' Homes Code

2) Code Citation: 77 Ill. Adm. Code 340

3)

Section Numbers:	Adopted Action:
340.1620	Repealer
340.1630	Renumbered
340.1650	Amended
340.1655	Amended
340.1660	Amended
340.1655	Amended
340.1670	Amended
340.1675	Renumbered and Amended

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department=s principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register: July 12, 2002 - 26 Ill. Reg. 10303

10) Has JCAR issued a Statement of Objection to this/these rules? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 340.1650(a), Aa@ was added before Aphysician@; Athe@ was added before Aadministrator@ and before Adirector@.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

2. In Section 340.1650(b), Apractice@ was deleted.

3. In Section 340.1650(i)(4), Ashall be@ was added after Aand@.

4. In Section 340.1655(b), line 2, Aor licensed pharmacist@ was added after Anurse@.

5. In Section 340.1655(b), line 4, Aor pharmacist@ was added after Anurse@.

6. In Section 340.1655(c), strikeouts were removed from Atheir . . . and@.

7. A new subsection 340.1650(j) was added:

Aj) Subsections 340.1650(c), (d), (e), (f), (g) and (h) shall not apply to facilities served by an on-site licensed Division III pharmacy.@

8. In Section 340.1660(d), A,@ was deleted; Asuch as resident identification wristbands@ was stricken.

9. In Section 340.1660(g), Aand@ was stricken; the following was added after Apharmacist@: Aand the dispensing pharmacy (if the consulting pharmacist and the dispensing pharmacist are not associated with the same pharmacy)@.

10. In Section 340.1665(b), Adiscontinued@ was stricken, the comma was stricken, Amedications@ was deleted; strikeouts were removed from Aall@; Adispensed to Medicaid clients@ was deleted; the following was added after Athose@: Aproducts regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act [21 UCS 802],@; Aprohibited by the federal . . . included),@ was deleted.

11. In Section 340.1665(b), strikeouts were removed from AInventory Controls 1)@ and from A2) The pharmaceutical . . . records.@

12. In Section 340.1670, Aand, if applicable, the pharmacy technician@ was deleted; Aidentity@ was stricken and Aname and address@ was added.

13. In Section 340.1670(b), Aon hand@ was stricken.

14. In Section 340.1670(c), the following was added after Afacility@: Ain

accordance with the licensed prescriber=s current medication order@.

15. In Section 340.1670(d), Aand strength@ was added after Aname@.

16. In Section 340.1670(e), A, such as . . . reagents,@ was deleted.

17. In Section 340.1675(c), Aresident@ was deleted and strikeouts were removed from Aresident=s@.

18. In Section 340.1650(i), A1999" was changed to A2002".

19. In Section 340.1650(g), AEmergency@ was stricken and AThe contents and number of emergency@ was added.

20. In Section 340.1650(h)(1), Aor if the kit contains controlled substances that require refrigeration@ was added after Acabinet,@; A(or locked refrigerator or locked container within a refrigerator, as appropriate)@ was added after Aroom@.

21. In Section 340.1650(i)(1), (4), (5), and (6), Acryogenic@ was changed to Amedical gas@.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Table of Contents, Section 340.1810, “Record” was stricken and “Records” was added.

2. In Section 340.1650(c), “prescription” was changed to “prescriptions”.

3. In Section 340.1650(g), “medications” was stricken and “medication” was added.

4. In Section 340.1650(g), “pharmacy” was changed to “pharmacist”.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments:

Section 340.1620 (Medication Administration) has been repealed. Requirements from this Section are being added to other Sections.

Section 340.1630 (Self-Administration of Medication) has been renumbered to Section 340.1675.

Section 340.1650 (Medication Policies and Procedures) has been amended to update requirements for medication policies and procedures. Changes include a definition of Alicensed prescriber@ to reflect prescriptive authority under current law; amendment of dosage requirements for convenience boxes; clarification of storage and administration requirements for controlled substances that are stored in emergency medication kits; additional requirements for oxygen administration, including storage, personnel training, and operation of the oxygen supply system.

Section 340.1655 (Conformance with Physician=s Orders) has been amended to include requirements for facsimile or electronic orders.

Section 340.1660 (Administration of Medication) has been amended to clarify medication administration policies in accordance with statutory requirements.

Section 340.1665 (Control of Medications) has been amended to update requirements for discontinued medications and transfer of medications to another facility.

Section 340.1670 (Labeling and Storage of Medication) has been amended to allow an access code in place of a key to a locked medication storage area and to update prescribing requirements.

Section 340.1675 (Self-Administration of Medication) has been renumbered from Section 340.1630 and amended to clarify language.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.Il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section
340.1000 Definitions
340.1010 Incorporated and Referenced Materials
340.1110 General Requirements
340.1115 Federal Veterans' Regulations
340.1120 Application for License
340.1125 Alzheimer's Special Care Disclosure
340.1130 Criteria for Adverse Licensure Actions
340.1140 Denial of Initial License
340.1150 Revocation or Denial of Renewal of License
340.1160 Inspections, Surveys, Evaluations, and Consultations
340.1170 Presentation of Findings by the Department
340.1190 Ownership Disclosure
340.1200 Monitor and Receivership
340.1210 Determination of a Violation
340.1220 Determination of the Level of a Violation
340.1230 Plans of Correction and Reports of Correction
340.1240 Calculation of Penalties
340.1245 Conditions for Assessment of Penalties
340.1250 Reduction or Waiver of Penalties
340.1255 Supported Congregate Living Arrangement Demonstration
340.1260 Waivers

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SUBPART B: POLICIES AND FACILITY RECORDS

Section
340.1300 Facility Policies
340.1310 Admission and Discharge Policies
340.1320 Disaster Preparedness
340.1330 Serious Incidents and Accidents
340.1335 Infection Control
340.1340 Facility Record Requirements
340.1350 Personnel Policies
340.1360 Initial Health Evaluation for Employees
340.1370 Administrator
340.1375 Personnel Requirements
340.1376 Registry of Certified Nursing Assistants
340.1377 Health Care Worker Background Check
340.1378 Resident Attendants
340.1380 Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section
340.1400 Implementation of Resident Rights and Facility Responsibilities
340.1410 General
340.1420 Contract Between Resident and Facility
340.1430 Residents' Advisory Council
340.1440 Abuse and Neglect
340.1450 Communication and Visitation
340.1460 Resident's Funds
340.1470 Transfer or Discharge
340.1480 Complaint Procedures
340.1490 Private Right of Action

SUBPART D: HEALTH SERVICES

Section
340.1500 Medical Care Policies
340.1505 Medical, Nursing and Restorative Services
340.1510 Communicable Disease Policies

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NOTICE OF ADOPTED AMENDMENTS

340.1520 Tuberculin Skin Test Procedures
340.1530 Physician Services
340.1535 Dental Programs
340.1540 Life-Sustaining Treatments
340.1550 Obstetrical and Gynecological Care
340.1560 Nursing Personnel
340.1570 Personal Care
340.1580 Restraints
340.1590 Nonemergency Use of Physical Restraints
340.1600 Emergency Use of Physical Restraints
340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620 Medication Administration (Repealed)
340.1630 Self-Administration of Medication (Renumbered)

SUBPART E: MEDICATIONS~~MEDICATION ADMINISTRATION SERVICES~~

Section
340.1650 Medication Policies and Procedures
340.1655 Compliance~~Conformance~~ with Licensed Prescriber's~~Physician's~~ Orders
340.1660 Administration of Medication
340.1665 Control of Medication
340.1670 Labeling and Storage of Medication
340.1675 Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section
340.1700 Recreational and Activity Programs
340.1710 Social Services
340.1720 Work Programs
340.1730 Volunteer Program

SUBPART G: RESIDENT RECORDS

Section
340.1800 Resident Record Requirements
340.1810 Content of Medical Records~~Record~~
340.1820 Records Pertaining to Resident's Property
340.1830 Retention, Transfer, and Inspection of Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section
340.1900 Food Service Staff
340.1910 Diet Orders
340.1920 Meal Planning
340.1930 Therapeutic Diets (Repealed)
340.1940 Menus and Food Records
340.1950 Food Preparation and Service
340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES, FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
340.2000 Maintenance
340.2010 Water Supply, Sewage Disposal and Plumbing
340.2020 Housekeeping
340.2030 Laundry Services
340.2040 Furnishings
340.2050 Equipment and Supplies

TABLE A Heat Index Table/Apparent Temperature
TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendments at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870,

effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; amended at 27 Ill. Reg. 5903, effective April 1, 2003.

SUBPART D: HEALTH SERVICES

Section 340.1620 Medication Administration (Repealed)

~~a) Every facility shall adopt written medication administration policies and procedures which are consistent with the Act and this Part and which shall be followed in the operation of the facility. These policies and procedures shall be in compliance with all applicable federal, State and local laws.~~

~~b) Medications shall be administered by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools successfully complete a course in pharmacology or have at least one year's full-time supervised experience in administering medications in a health care setting, in order to be considered to be properly qualified, by training or experience, to administer medications.~~

~~c) All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply. A physician who supplies medication from his/her personal office supply must comply with the requirements of Section 33 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-33) [225 ILCS 60].~~

(Source: Repealed at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1630 Self-Administration of Medication (Renumbered)

(Source: Section 340.1630 renumbered to Section 340.1675 at 27 Ill. Reg. 5903, effective April 1, 2003)

SUBPART E: MEDICATIONS ~~MEDICATION ADMINISTRATION SERVICES~~

Section 340.1650 Medication Policies and Procedures

a) Medication administration services are provided by a facility when medications are administered by facility staff. Facilities that ~~which~~ provide medication administration services shall adopt written policies and procedures for properly

and promptly obtaining, dispensing, administering, returning, and disposing of drugs and medications. These policies and procedures shall be consistent with the Act and this Part, shall be in compliance with all applicable federal, State, and local laws, and shall be followed by the facility. These policies and procedures shall be developed with the advice ~~comply with this Subpart and shall develop the medication administration policies and procedures required by Section 320.1620 with the approval~~ of a ~~the~~ pharmaceutical advisory committee that includes at least a ~~registered~~ pharmacist, a physician, the administrator and the director of nursing~~Director of Nursing Services~~. (This is not intended to limit the facility's organization of responsibilities. Any group that ~~which~~ includes at least these four members may approve these policies and procedures.)

b) For the purpose of this Subpart, "licensed prescriber" means a physician; a dentist; a podiatrist; an optometrist certified to use therapeutic ocular pharmaceutical agents; a physician assistant to whom prescriptive authority has been delegated by a supervising physician; or an advanced practice nurse practicing under a valid collaborative agreement.

c) All legend medications maintained in the facility shall be on individual prescriptions or from the licensed prescriber's personal office supply, and shall be labeled as set forth in Section 340.1670. A licensed prescriber who dispenses medication from his or her personal office supply shall comply with Sections 33 and 54.5 of the Medical Practice Act of 1987 [225 ILCS 60/33 and 54.5]; or Section 51 of the Illinois Dental Practice Act [225 ILCS 25/51]; or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]; or Section 15.1 of the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1]; or Section 15-20 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/15-20]; or Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/7.5].

d~~b~~) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those in the emergency medication kits and convenience boxes, as described in ~~subsections (e) and (f) of~~ this Section.

e~~c~~) A facility may stock drugs that are regularly available without prescription. ~~at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics.~~ These shall be administered~~given~~ to a resident only upon written order of a licensed prescriber. These medications~~the physician, dentist, or podiatrist,~~ shall be administered from the original containers, and shall be recorded in the resident's clinical record. Medications shall not be recorded as having been administered prior to their actual administration to the resident.

~~f~~d) A facility may keep "convenience boxes" containing ~~a reasonable number of~~ medications to be used for initial doses.~~normally used to treat conditions when residents suddenly become ill in nonlife-threatening situations. There shall be no~~

more than six single doses of any one medication for each 100 licensed beds or portion thereof. Such conditions may include, but are not limited to convulsions, serious emotional upsets, diarrhea, infection, and severe pain. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two tablets, the facility may keep 12 tablets in the convenience box.

1) The contents and number of these " convenience boxes" shall be determined by the pharmaceutical advisory committee. The contents shall be listed, and there shall be a label on the outside of each box., listing the contents.

2) Each " convenience box" shall be the property of and under the control of the pharmacy that which supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet.

3) No Schedule II controlled substances shall be kept in "convenience boxes."

g e) The contents and number of emergency medication medications kits containing drugs necessary for life saving measures shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations as determined by the pharmaceutical advisory committee.

1) Each emergency medication In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each kit shall be sealed after it has been checked and refilled. This would ensure that the contents of each kit are intact when needed in an emergency.

2) Emergency medication These kits shall consist of no more than three single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic or allergic reactions, acute convulsions, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic. The kits shall should also contain all of the equipment needed to administer the these medications., such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits.

3) The contents of emergency medication these kits shall be labeled on the outside of each kit. The kits shall be checked and refilled by the pharmacy after use and as otherwise needed. The They shall be reviewed by the pharmaceutical advisory committee shall review the list of substances kept in emergency medication kits regarding content at least quarterly. Written documentation of this review shall be maintained.

h~~f~~) The ~~Since emergency medications kits must be available for immediate use at all times, the~~ following requirements shall ~~must~~ be met when controlled substances are kept as part of the emergency medication kits:

1) If an emergency medication kit is not stored in a locked room or cabinet, or if the kit contains controlled substances that require refrigeration, then the ~~The~~ controlled substances portion of the kit shall ~~must~~ be stored separately in a locked cabinet or room (or locked refrigerator or locked container within a refrigerator, as appropriate) and labeled with a list of the substances and a statement that they are part of the emergency medication kit.~~, and labeled as to substance and the fact that they are a part of the emergency medication kit.~~ The label of the emergency medication kit shall list the substances and the specific location where they are stored.

2) Controlled ~~The controlled~~ substances for emergency medication kits shall ~~must~~ be obtained from a federal Drug Enforcement Administration registered hospital, pharmacy, or licensed prescriber~~practitioner~~.

3) Only the director of nursing ~~services~~, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or licensed prescriber ~~practitioner~~ shall have access to ~~these~~ controlled substances stored in emergency medication kits.

4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single~~, injectable~~ doses of any one controlled substance.

~~5)~~ Controlled ~~These controlled~~ substances in emergency medication kits may be administered only ~~under the emergency conditions set forth in subsection (e)(2) of this Section and only~~ by persons licensed to administer medications~~registered nurses, licensed practical nurses or practitioners~~, in compliance with 21 CFR 1306.11 and ~~21 CFR~~ 1306.21 and ~~the Department of Professional Regulation's rules for the administration of~~ the Illinois Controlled Substances ~~Substance~~ Act [720 ILCS 570] ~~(77 Ill. Adm. Code 3100)~~.

6) A proof-of-use sheet shall be stored with each ~~separate~~ controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or licensed prescriber ~~practitioner~~ when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets.

7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist ~~pharmacists~~ shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked

or the controlled substance is replaced.~~by the consultant pharmacist.~~ Shift counts are not mandatory when the kit is sealed. Forms ~~Proper forms~~ for shift counts shall be kept with the controlled substances portion ~~these portions~~ of the emergency medication kit~~kits~~.

8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of each kit.

9) Failure to comply with any provision of this Section ~~rule,~~ or with ~~of~~ any applicable provision of State or federal statutes or State regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until ~~such time as~~ the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines and other penalties.

i~~g~~) Oxygen may be administered in a facility. ~~either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled~~ The oxygen supply shall be stored and handled in accordance with the ~~1993~~ National Fire Protection Association (NFPA) Standard 99: Standard for Health Care Facilities (2002, no later amendments or editions included) ~~Standards, but no subsequently amended edition of the standards,~~ for nonflammable medical gas systems. The facility shall comply ~~must be in compliance~~ with directions for use of oxygen systems ~~concentrators~~ as established by the manufacturer and the applicable provisions of the NFPA Life Safety Code (see Section 340.1010) and NFPA 99.

1) Facilities shall store medical grade products separately from industrial grade products. The storage area for medical grade products shall be well defined with one area for receiving full medical gas vessels and another for storing empty vessels.

2) All personnel who will be handling medical gases shall be trained to recognize the various medical gas labels. Personnel shall be trained to examine all labels carefully.

3) If the facility's supplier uses 360-degree wrap-around labels to designate medical oxygen, personnel shall be specifically trained to make sure each vessel they connect to the oxygen system bears such a label.

4) All facility personnel responsible for changing or installing medical gas vessels shall be trained to connect medical gas vessels properly. Personnel shall understand how vessels are connected to the oxygen supply system and shall be alerted to the serious consequences of changing connections.

5) If a medical gas vessel fitting does not seem to connect to the oxygen

system fitting, the supplier shall be contacted immediately. The vessel shall be returned to the supplier to determine the fitting or connection problem.

6) Once a medical gas vessel has been connected to the oxygen supply system, but prior to introducing the product into the system, a trained facility staff member shall ensure that the correct vessel has been connected properly.

j) Subsections (c), (d), (e), (f), (g) and (h) shall not apply to facilities served by an on-site licensed Division III pharmacy.

(Source: Amended at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1655 Compliance ~~Conformance~~ with Licensed Prescriber's ~~Physician's~~ Orders

a) All medications~~, including cathartics, headache remedies, or vitamins,~~ shall be given only upon the written, facsimile or electronic order of a licensed prescriber~~physician~~. The facsimile or electronic orders of a licensed prescriber shall be authenticated by the licensed prescriber within 10 calendar days, in accordance with Section 340.1800. All such orders shall have the handwritten signature (or unique identifier) of the licensed prescriber~~physician~~. (Rubber stamp signatures are not acceptable.) These medications shall be administered ~~given~~ as prescribed by the licensed prescriber ~~physician~~ and at the designated time.

b) Telephone orders may be taken by a registered nurse, ~~or~~ licensed practical nurse or licensed pharmacist. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse or pharmacist taking the order. These orders shall be countersigned by the licensed prescriber ~~physician~~ within ten calendar ~~working~~ days.

c) The staff pharmacist or consultant pharmacist shall review the medical record, including licensed prescriber's ~~physician~~ orders and laboratory test results, at least monthly and, based on their clinical experience and judgement, and Section 340.Table B, determine if there are irregularities that may ~~which would~~ cause ~~potential~~ adverse reactions, allergies, contraindications~~contraindication~~, medication errors or ineffectiveness. This review shall be done at the facility and shall be documented ~~. Documentation of this review must be entered~~ in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, the director of nursing and the administrator and shall be acted upon.

d) A medication order not specifically limiting the time or number of doses shall be

automatically stopped in accordance with written policies approved by the pharmaceutical advisory committee.

e) The resident's licensed prescriber ~~attending physician~~ shall be notified of medications about to be stopped so that the licensed prescriber ~~physician~~ may promptly renew such orders to avoid interruption of the resident's therapeutic regimen.

f) The licensed prescriber shall approve the release of any ~~All~~ medications ~~to be released~~ to the resident, or person responsible for the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time. Disposition of the medications ~~(such as when attending a vocational training program or a weekend pass) shall be approved by the physician. A notation concerning their disposition~~ shall be noted in ~~made on~~ the resident's clinical record.

(Source: Amended at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1660 Administration of Medication

a) All medications shall be administered only by personnel who are licensed to administer medications, in accordance with their respective licensing requirements. Licensed practical nurses shall have successfully completed a course in pharmacology or have at least one year's full-time supervised experience in a health care setting if their duties include administering medications to residents.

b~~a~~) Medications shall be administered as soon as possible after doses are prepared at the facility and shall be administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems.

c~~b~~) Each dose administered shall be properly recorded in the clinical record ~~records~~ by the person who administered ~~administers~~ the dose.

~~d~~c) The facility shall have medication records that~~, which~~ shall be used and checked against the licensed prescriber's ~~physician's~~ orders to assure proper administration of medicine to each resident. ~~Such records as computer-generated medication sheets may be used.~~ Medication records shall include or be accompanied by recent photographs or other means of easy, accurate resident identification ~~such as resident identification wristbands~~. Medication records shall contain the resident's name, diagnoses~~diagnosis~~, known allergies, current medications, dosages, directions for use, and, if available, a history of prescription and non-prescription medications taken by the resident during the 30 days prior to admission to the facility.

e~~d~~) Medications prescribed for one resident shall not be administered to another resident.

f~~e~~) If, for any reason, a licensed prescriber's ~~physician's~~ medication order cannot be followed, the licensed prescriber ~~physician~~ shall be notified as soon as is reasonable, depending upon the situation, and a notation made in ~~on~~ the resident's record.

~~g~~~~f~~) Medication errors and drug reactions shall be immediately reported to the resident's physician, licensed prescriber if other than a physician, ~~and~~ the consulting pharmacist and the dispensing pharmacist (if the consulting pharmacist and the dispensing pharmacist are not associated with the same pharmacy). An entry ~~thereof~~ shall be made in the resident's clinical record, and the error or reaction shall also be described in an incident report.

h~~g~~) Current medication references shall be available, such as the current edition of " Drug Facts and Comparisons", "Hospital Formulary",~~"~~ "USP-DI (United States Pharmacopeia – Drug Information", "Physician's Desk Reference" or other suitable references.

(Source: Amended at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1665 Control of Medications

a) All Schedule II controlled substances shall be stored ~~in such a manner~~ so that two separate locks, using two different keys, must be unlocked to obtain these substances. This may be accomplished by several methods, such as locked cabinets within locked medicine rooms;~~,~~ separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet;~~,~~ locked portable medication carts that~~, which~~ are stored in locked medicine rooms when not in use;~~,~~ or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile.

b) All ~~discontinued~~ medications~~, or those~~ having an expiration date that has passed, and all medications of residents who have been discharged or who have died~~expired,~~ shall be disposed of in accordance with the written policies and procedures established by the facility in accordance with Section 340.1650. Medications shall be transferred with a resident, upon the order of the resident's physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act (21 UCS 802), shall be returned to the dispensing pharmacy.~~This rule shall not apply to residents who have been temporarily transferred to a hospital or who are~~

~~on a temporary home visit.~~ Medications for any resident who has been temporarily transferred to a hospital ~~such persons~~ shall be kept in the facility. ~~until such time as the resident expires or is discharged from the facility.~~ Medications may be given to a discharged resident only upon the order of a licensed prescriber.

c) Inventory Controls

1) For all Schedule II substances, a controlled substances record shall be maintained that ~~which~~ lists on separate sheets, for each type and strength of Schedule II substances, the following information: date, time administered, name of resident, dose, licensed prescriber's ~~physician's~~ name, signature of person administering dose, and number of doses remaining.

2) The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1670 Labeling and Storage of Medication

a) The label of each individual multi-dose medication container filled by a pharmacist shall clearly indicate the resident's full name;~~,~~ licensed presriber's ~~physician's~~ name;~~,~~ prescription number, name, strength and quantity of drug;~~,~~ date this container was last filled;~~,~~ the initials ~~initial~~ of the pharmacist filling the prescription;~~,~~ the name and address ~~identity~~ of the pharmacy;~~,~~ and any necessary special instructions. If the individual multi-dose medication container is dispensed by a licensed prescriber ~~physician~~ from his or her own supply, the label shall clearly indicate all of the preceding information and the source of supply; it shall exclude ~~except that pertaining to the~~ identification of the pharmacy, pharmacist, and prescription number.

b) Each single unit or unit dose package shall bear the proprietary or nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the licensed prescriber ~~physician~~ do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall be labeled with ~~have a label bearing~~ the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the

initials of the pharmacist who reviewed and verified the medications ~~on hand~~. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot.

c) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing licensed prescriber ~~physician~~ for relabeling or disposal. Medications whose directions for use have changed since the medication was originally dispensed and labeled may be retained for use at the facility in accordance with the licensed prescriber's current medication order. Medications in containers having no labels shall be destroyed in accordance with federal and State laws.

d) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse, acting as the agent of the resident, may remove previously dispensed medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication~~, as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities~~. When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name and strength of the medication, instructions for administration~~taking~~, and any other appropriate information.

e) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room, or mobile medication cart.

f) All poisonous substances and other hazardous compounds~~, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents,~~ shall be kept in a separate locked container away from medications.

g) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room.

h) The key or access code to the medicine cabinet, medicine room, or mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer medications, at all times.

i) All medications for all residents shall be properly labeled and stored at, or near, the nurses' station, in a locked cabinet, a locked medication room, or one or more locked mobile medication carts of satisfactory design for such storage.

1) These cabinets, rooms, and carts shall be well lighted and of sufficient size to permit storage without crowding.

2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely. ~~either in a locked room or otherwise made immobile.~~

(Source: Amended at 27 Ill. Reg. 5903, effective April 1, 2003)

Section 340.1675 Self-Administration of Medication

a) A resident may self-administer medications, as approved in writing~~,~~ by the resident's personal licensed prescriber~~physician~~.

b) All medications shall be properly labeled and stored in a locked area at all times. Areas shall be well lighted and of sufficient size to permit storage without crowding. This area may be a drawer, closet, cabinet or room. The medication area shall not be used for any other purpose. It shall not be located in residents' rooms, bathrooms or the kitchen, except as allowed in subsection (d) of this Section. The key to the medication area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents.

~~c) If the medication policies of the~~ facility medication policies permit residents to be totally responsible for their own medication, with ~~when the attending physician gives~~ written permission from the attending physician, ~~for such action, the policies of the facility shall provide that~~ the resident and attending physician shall be given written statements concerning what the ~~relative~~ responsibilities of ~~each of~~ the ~~three parties (~~facility, the resident and the physician~~), in cases where~~ are if the resident, or any other person, suffers harm as a result of ~~due to~~ the resident's ~~actions in~~ handling his or her own medications.

~~d) Residents who are totally responsible for their own medication shall maintain possession of the key or combination of the lock to their own medication storage area, which may be a locked drawer or cabinet in the resident's room or private bathroom, along with other possessions of that resident.~~ A duplicate key, or a copy of the combination, shall be kept by the facility in a ~~its safe, or some other~~ secure place, for emergency use.~~, such as if the resident should lose or misplace his/her key, or forget the combination.~~

e) Facility staff shall ~~must~~ not administer medications unless they are properly licensed to administer medications, in accordance with their respective licensing requirements ~~in Illinois as a nurse or physician~~. Unlicensed facility staff may assist in self-administration of medications as follows:

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1) They may prompt a resident that it is the time to take medication.

2) They may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to the open the container, a staff member may open the container for the resident.

3) Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so himself without spilling it.)

~~Agency Note: Attorney General's Opinion File NO. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65], and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."~~

(Source: Section 340.1675 renumbered from Section 340.1630 and amended at 27 Ill. Reg. 5903, effective April 1, 2003)

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1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3)

Section Numbers:	Adopted Action:
350.1410	Amended
350.1420	Amended
350.1430	Amended
350.1440	Amended
350.1450	Amended

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of rules/amendments: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department=s principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register:

July 12, 2002 - 26 Ill. Reg. 10320

10) Has JCAR issued a Statement of Objection to this/these rules? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 350.1410(b), Apractice@ was deleted.

2. In Section 350.1410(f), ADivision III@ was added before Alicense@.

3. In Section 350.1410(k)(2), Afederal@ was added after ADrug@.

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4. In Section 350.1410(l), A1999" was changed to A2002".

5. In Section 350.1410(l)(4), Ashall be@ was added after Aand@.

6. In lines Section 350.1420(a), A(Rubber stamp signatures are not acceptable)@ was stricken.

7. In Section 350.1420(b), line 2, Aor licensed pharmacist@ was added after Anurse@.

8. In Section 350.1420(b), line 4, Aor pharmacist@ was added after Anurse@.

9. In Section 350.1430(e), Aand@ was stricken; the following was added after Apharmacist@: Aand the dispensing pharmacist (if the consulting pharmacist and dispensing pharmacist are not associated with the same pharmacy)@.

10. In Section 350.1440(c), A, such as . . . reagents@ was stricken.

11. In Section 350.1440(f), Aand, if applicable, pharmacy technician@ was deleted.

12. In Section 350.1440(f), Aidentity@ was stricken and Aname and address@ was added.

13. In Section 350.1440(g), Aon hand@ was stricken.

14. In Section 350.1440(h), A, in accordance with the licensed prescriber=s current medication order@ was added.

15. In Section 350.1440(i), Aand strength@ was added after Aname@.

16. In Section 350.1450(c), Adiscontinued@ was stricken; the comma was stricken; Amedications@ was deleted; Adispensed to Medicaid clients@ was deleted; the following was added after Athose@: Aproducts regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act [21 USC 802],@; Aprohibited . . . included@ was deleted.

17. In Section 350.1410(k)(1), after Acabinet,@, add: Aor if the kit contains

controlled substances that require refrigeration,"; after Aroom@, add: A(or locked refrigerator or locked cabinet within a refrigerator, as appropriate)@.

18. In Section 350.1430(b), Asuch as resident identification wristbands@ was stricken.

19. Strikeouts were removed in the last sentence in Section 350.1450(d).

20. In Section 350.1410(l)(1), (4), (5) and (6), Acryogenic@ was changed to Amedical gas@.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Table of Contents, "Departments" was stricken and "Department" was added in Section 350.2990.

2. In the Table of Contents, "for" was stricken and "For" was added in Appendix D.

3. In the Table of Contents, "and Regulations," and "Ill." were stricken and "Illinois" was added after "77" in Table D.

4. In Section 350.1410(a), strike "adivce" and add "advice".

5. In Section 350.1440(g), "verification" was stricken and "verification" was added.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments/rules replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments/rules:

Section 350.1410 (Medication Policies and Procedures) has been amended to update requirements for medication policies and procedures. Changes include a definition of

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Alicensed prescriber@ to reflect prescriptive authority under current law; amendment of dosage requirements for convenience boxes; removal of dose limits for emergency medication kits and clarification of labeling requirements; clarification of storage and labeling requirements for controlled substances that are stored in emergency medication kits; additional requirements for oxygen administration, including storage, personnel training, and operation of the oxygen system.

Section 350.1420 (Conformance with Physician=s Orders) has been amended to include requirements for facsimile or electronic orders.

Section 350.1430 (Administration of Medication) has been amended to clarify medication administration policies in accordance with statutory requirements.

Section 350.1440 (Labeling and Storage) has been amended to allow an access code in place of a key to a locked medication storage area and to update prescribing requirements.

Section 350.1450 (Control of Narcotics and Legend Drugs) has been amended to update requirements for discontinued medications and transfer of medications to another facility.

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.Il.us

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
350.110 General Requirements
350.120 Application for License
350.130 Licensee
350.140 Issuance of an Initial License for a New Facility
350.150 Issuance of an Initial License Due to a Change of Ownership
350.160 Issuance of a Renewal License
350.165 Criteria for Adverse Licensure Actions
350.170 Denial of Initial License
350.175 Denial of Renewal of License
350.180 Revocation of License
350.190 Experimental Program Conflicting With Requirements
350.200 Inspections, Surveys, Evaluations and Consultation
350.210 Filing an Annual Attested Financial Statement
350.220 Information to Be Made Available to the Public By the Department
350.230 Information to Be Made Available to the Public By the Licensee
350.240 Municipal Licensing
350.250 Ownership Disclosure
350.260 Issuance of Conditional Licenses
350.270 Monitor and Receivership
350.271 Presentation of Findings
350.272 Determination to Issue a Notice of Violation or Administrative Warning
350.274 Determination of the Level of a Violation
350.276 Notice of Violation

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350.277 Administrative Warning
350.278 Plans of Correction
350.280 Reports of Correction
350.282 Conditions for Assessment of Penalties
350.284 Calculation of Penalties
350.286 Determination to Assess Penalties
350.288 Reduction or Waiver of Penalties
350.290 Quarterly List of Violators (Repealed)
350.300 Alcoholism Treatment Programs In Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.315 Supported Congregate Living Arrangement Demonstration
350.320 Waivers
350.330 Definitions
350.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
350.510 Administrator

SUBPART C: POLICIES

Section
350.610 Management Policies
350.620 Resident Care Policies
350.625 Determination of Need Screening
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.681 Health Care Worker Background Check
350.682 Resident Attendants
350.683 Registry of Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

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350.750 Contacting Local Law Enforcement

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

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Section
350.1410 Medication Policies and Procedures
350.1420 Compliance ~~Conformance~~ with Licensed Prescriber's ~~Physician's~~ Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage of Medications
350.1450 Control of Medications ~~Narcotics and Legend Drugs~~

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Meal Planning
350.1860 Therapeutic Diets (Repealed)
350.1870 Scheduling Meals
350.1880 Menus and Food Records
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance

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350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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Section
350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Department ~~Departments~~
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints (Repealed)
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section
350.3710 Applicability of Other Provisions of this Part
350.3720 Administration

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350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
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350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
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350.3880 General Building Requirements
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350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
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350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

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APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
APPENDIX C	Seismic Zone Map
APPENDIX D	Forms For ~~for~~ Day Care in Long-Term Care Facilities
APPENDIX E	Guidelines for the Use of Various Drugs
TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D	Food Service Sanitation Rules ~~and Regulations,~~ 77 Illinois~~Ill.~~ Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days;

emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; amended at 27 Ill. Reg. 5924, effective April 1, 2003.

SUBPART G: MEDICATIONS

Section 350.1410 Medication Policies and Procedures

a) Every facility shall adopt written policies and procedures~~, which are consistent with the purpose of the Act and this Part and which shall be followed in the operation of the facility,~~ for properly and promptly obtaining, dispensing, administering, returning and disposing of drugs and medications. These policies and procedures shall be consistent with the Act and this Part and shall be followed by the facility. These policies and procedures shall be in compliance with all applicable federal ~~Federal~~, State and local laws. Medication ~~These~~ policies and procedures shall be developed with the advice ~~adivce~~ of a pharmaceutical advisory committee that ~~which~~ includes at least one licensed pharmacist, one physician, the administrator and the director of nursing~~Health Services~~

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~~Supervisor~~. This committee ~~Committee~~ shall meet at least quarterly. ~~(B)~~

b) For the purpose of this Subpart, "licensed prescriber" means a physician; a dentist; a podiatrist; an optometrist certified to use therapeutic ocular pharmaceutical agents; a physician assistant to whom prescriptive authority has been delegated by a supervising physician; or an advanced practice nurse practicing under a valid collaborative agreement.

~~c~~b) All legend medications maintained in the facility shall be on individual prescription or from the licensed prescriber's ~~physician's~~ personal office supply, and shall be ~~properly~~ labeled as set forth in Section 350.1440~~(f)~~. A licensed prescriber ~~physician~~ who supplies medication from his or her personal office supply shall ~~must~~ comply with Sections ~~the requirements of Section~~ 33 and 54.5 of the Medical Practice Act of 1987 [225 ILCS 60/33 and 54.5]; or Section 51 of the Illinois Dental Practice Act [225 ILCS 25/51]; or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]; or Section 15.1 of the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1]; or Section 15-20 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/15-20]; or Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/7.5]. ~~(Ill. Rev. Stat. 1987, ch. 111, par. 4400-33 et seq.) (B)~~

d~~c~~) All medications administered shall be ~~properly~~ recorded as set forth in Section 350.1620~~(g)~~. Medications shall not be recorded as having been administered prior to their actual administration to the resident. ~~(B)~~

e~~d~~) The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical services.

f~~e~~) ~~Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The~~ A pharmacist shall ~~then~~ obtain a Division III license to operate an on-premises ~~the~~ pharmacy in accordance with the Pharmacy Practice Act of 1987 [225 ILCS 85] and the rules of the Illinois Department of Professional Regulation (68 Ill. Adm. Code 1330).

g~~f~~) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those ~~emergency life saving drugs required~~ in ~~the~~ emergency medication kits or convenience boxes ~~kit~~, as described in this Section. ~~Section 350.1410(j). (B)~~

h~~g~~) A facility may stock ~~only~~ drugs that ~~which~~ are regularly available without prescription. ~~at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics.~~ These shall be administered ~~given~~ to a resident only upon written order of a licensed prescriber. Administration ~~the physician, dentist,~~

or podiatrist, shall be administered from the original containers, and shall be recorded in the resident's clinical record. (B)

ih) A facility may keep " convenience boxes" containing a reasonable number of medications to be used for initial doses. normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six single does of any one medication for each 100 licensed beds or portion thereof. Such conditions may include, but are not limited to; convulsions, serious emotional upsets, diarrhea, infection, and severe pain. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two (2) tablets in the convenience box. (B)

1) The contents and number of these " convenience boxes" shall be determined by the pharmaceutical advisory committee., and there shall be a label The contents shall be listed on the outside of each box., listing the contents. (B)

2) Each " convenience box" shall be the property of and under the control of the pharmacy that which supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. (B)

3) No Schedule II controlled substances shall be kept in " convenience boxes." (B)

ji) Emergency medication kits containing drugs necessary for life saving measures shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations as determined by the pharmaceutical advisory committee. (B)

1) In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each Each emergency medication kit shall be sealed after it has been checked and refilled. This would insure that the contents of each kit is intact when needed in an emergency.

2) These kits shall consist of no more than three single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic and allergic reactions, acute convulsion, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic. Emergency medication The kits shall should also contain all of the equipment needed to administer the these medications., such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B)

3) The contents of emergency medication these kits shall be labeled on the

outside of each kit. The kits shall be checked and refilled by the pharmacy after use and as otherwise needed. ~~They shall be reviewed by the~~ The pharmaceutical advisory committee shall review the list of substances kept in emergency medication kits ~~regarding contents~~ at least quarterly. Written documentation of this review shall be maintained. ~~(B)~~

k~~j~~) ~~Since emergency medication kits must be available for immediate use at all times, the~~ The following requirements shall ~~must~~ be met when controlled substances are kept as part of the emergency medication kits: ~~(B)~~

1) If an emergency medication kit is not stored in a locked room or cabinet, or if the kit contains controlled substances that require refrigeration, then the ~~The~~ controlled substances portion of the kit shall ~~must~~ be stored separately in a locked cabinet or room (or locked refrigerator or locked cabinet within a refrigerator, as appropriate) and labeled with a list of the substances and a statement they they are part of the emergency medication kit.~~, and labeled as to substance and the fact that they are a part of the emergency medication kit.~~ The label of the emergency medication kit shall list the substance and the specific location where it is stored. ~~(B)~~

2) Controlled ~~The controlled~~ substances for emergency medication kits shall ~~must~~ be obtained from a federal Drug Enforcement Administration registered hospital, pharmacy, or licensed prescriber ~~practitioner~~. ~~(B)~~

3) Only the director of nursing ~~services~~, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or licensed prescriber ~~practitioner~~ shall have access to ~~these~~ controlled substances stored in emergency medication kits. ~~(B)~~

4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single~~,~~ ~~injectable~~ doses of any one controlled substance. ~~(B)~~

~~5)~~ Controlled ~~These controlled~~ substances in emergency medication kits may be administered only ~~under the emergency conditions set forth in Section 350.1410(i)(2) and only~~ by persons licensed to administer medications ~~registered nurse, licensed practical nurses or practitioners~~, in compliance with 21 CFR 1306.11 and ~~21 CFR 1306.21 and the Department of Professional Regulation's rules for the Administration of~~ the Illinois Controlled Substances ~~Substance~~ Act [720 ILCS 570] ~~(77 Ill. Adm. Code 3100)~~. ~~(B)~~

6) A proof-of-use sheet shall be stored with each ~~separate~~ controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or licensed prescriber ~~practitioner~~ when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for

two years a copy of all completed proof-of-use sheets. ~~(B)~~

7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked, or the controlled substance is replaced ~~by the consultant pharmacist~~. Shift counts are not mandatory when the kit is sealed. Forms ~~Proper forms~~ for shift counts shall be kept with the controlled substances portion ~~these portions~~ of the emergency medication kit ~~kits~~. ~~(B)~~

8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of each kit. ~~(B)~~

9) Failure to comply with any provision of this Section ~~rule~~, or with ~~of~~ any applicable provision of State ~~state~~ or federal statutes or State regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until ~~such time as~~ the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines or other penalties.

l~~k~~) Oxygen may be administered in a facility. ~~either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled~~ The oxygen supply shall be stored and handled in accordance with the ~~1977~~ National Fire Protection Association (NFPA) Standard No. 99: Standard for Health Care Facilities (2002, no later amendments or editions included) ~~Standards, but no subsequently amended edition of the Standards,~~ for nonflammable medical gas systems. ~~(See Section 350.2620 or Section 350.2920 as appropriate).~~ The facility shall comply ~~must be in compliance~~ with directions for use of oxygen systems ~~concentrators~~ as established by the manufacturer and the applicable provisions of NFPA 99 and the NFPA Life Safety Code (see Section 350.340). ~~(A, B)~~

1) Facilities shall store medical grade products separately from industrial grade products. The storage area for medical grade products shall be well defined with one area for receiving full medical gas vessels and another for storing empty vessels.

2) All personnel who will be handling medical gases shall be trained to recognize the various medical gas labels. Personnel shall be trained to examine all labels carefully.

3) If the facility's supplier uses 360-degree wrap-around labels to designate medical oxygen, personnel shall be specifically trained to make sure each vessel they connect to the oxygen system bears such a label.

4) All facility personnel responsible for changing or installing medical gas vessels shall be trained to connect medical gas vessels properly. Personnel shall understand how vessels are connected to the oxygen supply system and shall be alerted to the serious consequences of changing connections.

5) If a medical gas vessel fitting does not seem to connect to the oxygen system fitting, the supplier shall be contacted immediately. The vessel shall be returned to the supplier to determine the fitting or connection problem.

6) Once a medical gas vessel has been connected to the oxygen supply system, but prior to introducing the product into the system, a trained facility staff member shall ensure that the correct vessel has been connected properly.

(Source: Amended at 27 Ill. Reg. 5924, effective April 1, 2003)

Section 350.1420 Compliance ~~Conformance~~ with Licensed Prescriber's ~~Physician's~~ Orders

a) All medications~~, including catharticcs, headache remedies, or vitamins,~~ shall be given only upon the written, facsimile or electronic order of a licensed prescriber ~~physician~~. ~~(Rubber stamp signatures are not acceptable.)~~ The facsimile or electronic order of a licensed prescriber shall be authenticated by the licensed prescriber within 10 calendar days, in accordance with Section 350.1610. All such orders shall have the handwritten signature (or unique identifier) of the licensed prescriber ~~physician~~. (Rubber stamp signatures are not acceptable.)These medications shall be administered ~~given~~ as ordered ~~prescribed~~ by the licensed prescriber ~~physician~~ and at the designated time.

b) Telephone orders may be taken by a registered nurse, ~~or~~ licensed practical nurse or licensed pharmacist. All such orders shall be immediately written on the resident's clinical record~~,~~ or a ~~"~~ telephone order form~~"~~ and signed by the nurse or pharmacist taking the order. These orders shall be countersigned by the licensed prescriber ~~physician~~ within ten calender ~~working~~ days.

c~~b~~) The staff pharmacist or consultant pharmacist shall review the medical record, including licensed prescriber's ~~physician~~ orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, and Section 350.Appendix E, determine if there are irregularities that ~~which~~ would cause ~~potential~~ adverse reactions, allergies, contraindications, medication errors or ineffectiveness. This review shall be done at the facility and shall be documented~~. Documentation of this review must be entered~~ in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory

physician, the director of nursing and the administrator and shall be acted upon.

d~~e~~) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee.

e~~d~~) The resident's licensed prescriber ~~attending physician~~ shall be notified of medications about to be stopped so that the licensed prescriber ~~physician~~ may promptly renew such orders to avoid interruption of the resident's therapeutic regimen.

f~~e~~) The licensed prescriber shall approve the release of any ~~All~~ medications ~~to be released~~ to the resident, or person responsible for the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time. Disposition of the medications ~~(such as when attending a vocational training program or on a weekend pass) shall be approved by the physician. A notation concerning their disposition~~ shall be noted in ~~made on~~ the resident's clinical record.

(Source: Amended at 27 Ill. Reg. 5924, effective April 1, 2003)

Section 350.1430 Administration of Medication

~~a) All medications shall be administered only by licensed medical or licensed nursing~~ personnel who are licensed to administer medications, in accordance with their respective licensing requirements. ~~(Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools~~ Licensed practical nurses shall have successfully completed ~~complete~~ a course in pharmacology or have at least one year's ~~years~~ full-time supervised ~~equivalent~~ experience in administering medications in a health care setting~~, in order to be considered to "have either training or experience, or both, in the job assigned to them" (Section 350.670(b)(1),~~ if their duties include administering medications to residents.~~) (A, B) Attorney General's Opinion File No. S-1033, dated January 9, 1976 concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1973, ch. 91, pars. 35.32 et seq.), and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes." Written approval must be obtained from the attending physician before any resident is~~

~~enrolled in such a training program.~~

1) Medications shall be administered as soon as possible after doses are prepared at the facility and shall be administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. ~~(B)~~

2) Each dose administered shall be properly recorded in the clinical record by the person who administered the dose. (See Section 350.1620~~(g)~~.) ~~(A, B)~~

3) Self-administration of medication shall be permitted only upon the written order of the licensed prescriber~~attending physician~~. ~~(B)~~

~~b) The facility shall have medication records~~ that ~~which~~ shall be used and checked against the licensed prescriber's ~~physician's~~ orders to assure proper administration of medicine to each resident. ~~Such records as computer generated mediation sheets may be used.~~ Medication records shall include or be accompanied by recent photographs or other means of easy, accurate resident identification ~~such as resident identification wristbands~~. Medication records shall contain the resident's name, diagnoses, known allergies, ~~and~~ current medications, dosages, directions for use, and, if available~~possible~~, a history of prescription and non-prescription~~prescritpion~~ medications taken by the resident during the 30 days prior to admission to the facility. ~~(B)~~

c) Medications prescribed for one resident shall not be administered to another resident. ~~(B)~~

~~d) If~~, for any reason, a licensed prescriber's ~~physician's~~ medication order cannot be followed, the licensed prescriber ~~physician~~ shall be notified as soon as is reasonable, depending upon the situation, and a notation made in ~~on~~ the resident's record. ~~(B)~~

e) Medication errors and drug reactions shall be immediately reported to the resident's physician, licensed prescriber if other than a physician, ~~and~~ the consulting pharmacist and the dispensing pharmacist (if the consulting pharmacist and dispensing pharmacist are not associated with the same pharmacy). An entry ~~thereof~~ shall be made in the resident's clinical record, and the error or reaction shall also be described in~~on~~ an incident report. ~~(A, B)~~

f) Nurses' stations shall be equipped in accordance with Sections 350.2660~~(c)~~ or 350.2960~~(d)~~ and shall have all necessary items readily available for the proper administration of medications.

g) Current medication references ~~reference~~ shall be available, such as the current edition of " Drug Facts and Comparisons", "Hospital Formulary", "USP-DI (United States Pharmacopeia-Drug Information)", "Physician's Desk Reference ~~References~~" or other suitable references.

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(Source: Amended at 27 Ill. Reg. 5924, effective April 1, 2003)

Section 350.1440 Labeling and Storage of Medications

a) All medications for all residents shall be properly labeled and stored at~~,~~ or near the nurses' station in a locked cabinet, in a locked medication room, or in one or more locked mobile medication carts of satisfactory design for such storage. (See subsections (f) and (g) of this Section.) ~~(B)~~

1) These cabinets, rooms, or carts shall be well lighted and of sufficient size to permit storage without crowding. ~~(B)~~

2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely~~ - either in a locked room or otherwise made immobile~~. ~~(B)~~

b) All medications for external use shall be kept in a separate area in the cabinet, medicine room, or locked mobile medication cart. ~~(B)~~

c) All poisonous substances and other hazardous compounds~~, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents~~ shall be kept in a separate locked container away from medications. ~~(B)~~

d) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. ~~(B)~~

e) The key or access code to the medicine cabinet, medicine room or mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer drugs, at all times. ~~(B)~~

f) The label of each individual multi-dose medication container filled by a pharmacist shall clearly indicate the resident's full name;~~,~~ licensed prescriber's ~~physician's~~ name;~~,~~ prescription number, name, strength, and quantity of drug;~~,~~ date this container was last filled;~~,~~ the initials of the pharmacist filling the prescription;~~,~~ the name and address ~~identity~~ of the pharmacy; and any necessary special instructions. If the individual multi-dose medication container is filled by a licensed prescriber ~~physician~~ from his or her own supply, the label shall clearly indicate all of the preceding information and the source of supply;~~except that pertaining to the~~ it shall exclude identification of the pharmacy, pharmacist and prescription number.

g) Each single unit or unit dose package shall bear the proprietary or nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is

administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall be labeled with ~~have a label bearing~~ the identity of the dispensing pharmacy. The pharmacist shall provide written verification ~~vertification~~ of the date the medications were dispensed and the initials or unique identifier of the pharmacist who reviewed and verified the medications ~~on hand~~. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. ~~(B)~~

h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing licensed prescriber ~~physician~~ for relabeling or disposal. Medications whose directions for use have changed since the medication was originally dispensed and labeled may be retained for use at the facility, in accordance with the licensed prescriber's current medication order. Medications in containers having no labels shall be destroyed in accordance with federal ~~Federal~~ and State laws. ~~(B)~~

i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse, acting as the agent of the resident, may remove previously dispensed medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication. ~~, as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities.~~ When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name and strength of the medication, instructions for administration ~~taking~~ and any other appropriate information. ~~(B)~~

(Source: Amended at 27 Ill. Reg. 5924, effective April 1, 2003)

Section 350.1450 Control of Medications ~~Narcotics and Legend Drugs~~

a) The facility shall comply with all federal ~~Federal~~ and State laws and State regulations relating to the procurement, storage, dispensing, administration, and

disposal of medications.

b) All Schedule II controlled substances shall be stored ~~in such a manner~~ so that two separate locks, using two different keys, must be unlocked to obtain these substances. This may be accomplished by several methods, such as locked cabinets within locked medicine rooms;~~,~~ separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet;~~,~~ locked portable medication carts that ~~, which~~ are stored in locked medicine rooms when not in use;~~,~~ or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile. ~~(B)~~

c) All ~~discontinued~~ medications~~, or those~~ having an expiration date that has passed, and all medications of residents who have been discharged or who have died ~~expired~~, shall be disposed of in accordance with the written policies and procedures that have been established by the facility in accordance with Section 350.1410. Medications shall be transferred with a resident, upon the order of the resident's physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act (21 USC 802), shall be returned to the dispensing pharmacy.~~This subsection shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit.~~ Medications for any resident who has been temporarily transferred to a hospital ~~such persons~~ shall be kept in the facility. ~~until such time as the resident expires or is discharged from the facility. (B)~~ Medications may be given to a discharged resident only upon the order of the licensed prescriber.

d) For all Schedule II controlled substances, a controlled substances record shall be maintained that ~~which~~ lists on separate sheets, for each type and strength of Schedule II controlled substance, the following information: date, time administered, name of resident, dose, licensed perscriber's ~~physician's~~ name, signature of person administering dose, and number of doses remaining. The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 27 Ill. Reg. 5924, effective April 1, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3)

Section Numbers:	Adopted Action:
390.1410	Amended
390.1420	Amended
390.1430	Amended
390.1440	Amended
390.1450	Amended

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective date of amendments: April 1, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department=s principal office and is available for public inspection.

9) Notice(s) of Proposal was Published in Illinois Register:

July 12, 2002 - 26 Ill. Reg. 10339

10) Has JCAR issued a Statement of Objection to this/these rules? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 390.1410(b), Apractice@ was deleted.

2. In Section 390.1410(f), ADivision III@ was added before Alicense@.

3. In Section 390.1410(l)(4), Ashall be@ was added after Aand@.

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4. In Section 390.1420(a); Aor licensed pharmacist@ was added after Apractical nurse"; or pharmacist@ was added after Anurse@.

5. In Section 390.1430(e), Aand@ was stricken; the following was added after Apharmacist@: Aand the dispensing pharmacist (if the consulting pharmacist and the dispensing pharmacist are not associated with the same pharmacy)@.

6. In Section 390.1440, A, such as . . .reagents@ was stricken.

7. In Section 390.1440(g), Aon hand@ was stricken.

8. In Section 390.1440(h), Ain accordance with the licensed prescriber=s current medication order@ was added after Afacility@.

9. In Section 390.1440(i), Aand strength@ was added after Aname@.

10. In Section 390.1450(c)(1), Adiscontinued@ was stricken; Amedications@ was deleted; strikeouts were removed from Aall"; Adispensed to Medicaid clients@ was deleted; Aprohibited by the . . . included@ was deleted; the following was added after Athose@: Aproducts regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act [21 USC 802],@.

11. In Section 390.1450(d), strikeouts were removed from "Inventory Controls" and "1)" and from "2) . . .records."

12. In Section 390.1410(e), A1999" was changed to A2002".

13. In Section 390.1410(d), Aproperly@ was stricken.

14. In Section 390.1410(j), AEmergency@ was stricken and AThe contents and number of emergency@ was added.

15. In Section 390.1410(j)(2), AThe@ was stricken and AEmergency medication@ was added, Athese@ was stricken and Athe@ was added.

16. In Section 390.1410(k)(1), after Acabinet,@ add: Aor if the kit contains

controlled substances that require refrigeration,"; after Aroom@ add: A(or locked refrigerator or locked container within a refrigerator, as appropriate).

17. In Section 390.1430(b), Asuch . . . wristbands@ was stricken.

18. In Section 390.1410(l)(4), (5) and (6), Acryogenic@ was changed to Amedical gas@.

The following changes were made in response to comments and suggestions of the JCAR:

1. In the Table of Contents, "(Repealed)" was added after Section "390.3230 Restraints".

2. In the Table of Contents, "In" was stricken and "in" was added in the heading of Appendix B.

3. In Section 390.1420(a), "or" was added after "facsimile".

4. In Section 390.1440(a), after the first "or" add "in".

5. In Section 390.1440(a), strike "subsection" and add "subsections".

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments/rules:

Section 390.1410 (Medication Policies and Procedures) is being amended to update requirements for medication policies and procedures. Changes include a definition of

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Alicensed prescriber@ to reflect prescriptive authority under current law; amendment of dosage requirements for convenience boxes; removal of dose limits for emergency medication kits and clarification of labeling requirements; clarification of storage and labeling requirements for controlled substances that are stored in emergency medication kits; additional requirements for oxygen administration, including storage, personnel training, and operation of the oxygen system.

Section 390.1420 (Conformance with Physician=s Orders) is being amended to include requirements for facsimile or electronic orders.

Section 390.1430 (Administration of Medication) is being amended to clarify medication administration policies in accordance with statutory requirements.

Section 390.1440 (Labeling and Storage of Medication) is being amended to allow an access code in place of a key to a locked medication storage area and to update prescribing requirements.

Section 390.1450 (Control of Narcotics and Legend Drugs) is being amended to update requirements for discontinued medications and transfer of medications to another facility.

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

Peggy Snyder
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.Il.us

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
APPENDIX B	Forms for Day Care in~~In~~ Long-Term Care Facilities
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TABLE A	Infant Feeding
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TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
TABLE E	Sprinkler Requirements
TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill.

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Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; amended at 27 Ill. Reg. 5947, effective April 1, 2003.

SUBPART G: MEDICATIONS

Section 390.1410 Medication Policies and Procedures

a) Every facility shall adopt written policies and procedures~~, which are consistent with the purpose of the Act and this Part and which shall be followed in the operation of the facility,~~ for properly and promptly obtaining, dispensing, administering, returning, and disposing of drugs and medications. These policies and procedures shall be consistent with the Act and this Part, ~~These policies and procedures~~ shall be in compliance with all applicable federal~~Federal~~, State and local laws, and shall be followed by the facility. Medication ~~(A, B) These~~ policies and procedures shall be developed with the advice of a pharmaceutical advisory committee that ~~which~~ includes at least one licensed pharmacist, one physician, the administrator and the director of nursing. ~~Director of Nursing Services.~~ This committee shall meet at least quarterly. ~~(B)~~

b) For the purpose of this Subpart, "licensed prescriber" means a physician; a dentist; a podiatrist; an optometrist certified to use therapeutic ocular pharmaceutical agents; a physician assistant to whom prescriptive authority has been delegated by a supervising physician; or an advanced practice nurse practicing under a valid collaborative agreement.

~~c)b)~~ All legend medications maintained in the facility shall be on individual prescription or from the licensed prescriber's ~~physician's~~ personal office supply, and shall be ~~properly~~ labeled as set forth in Section 390.1440~~(f)~~. A licensed prescriber ~~physician~~ who supplies medicine from his or her personal office supply shall ~~must~~ comply with Sections ~~the requirements of Section~~ 33 and 54.5

of the Medical Practice Act of 1987 [225 ILCS 60/33 and 54.5]; or Section 51 of the Illinois Dental Practice Act [225 ILCS 25/51]; or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]; or Section 15.1 of the Illinois Optometric Practice Act of 1987 [225 ILCS 80/15.1]; or Section 15-20 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/15-20]; or Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95/7.5]. ~~(Ill. Rev. Stat. 1987, ch. 111, par. 4400-33). (B)~~

d)~~c)~~ All medications administered shall be ~~properly~~ recorded as set forth in Section 390.1620~~(b)(16)~~. Medications shall not be recorded as having been administered prior to their actual administration to the resident. ~~(B)~~

e)~~d)~~ The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical services.

~~f)e)~~ A ~~Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The~~ pharmacist shall ~~then~~ obtain a Division III license to operate an on-premises ~~the~~ pharmacy in accordance with the rules of the Illinois Department of Professional Regulation (68 Ill. Adm. Code 1330).

g)~~f)~~ No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those ~~emergency life saving drugs required~~ in the emergency medication kit, as described in ~~subsection(j) of~~ this Section. ~~(B)~~

h)~~g)~~ A facility may stock ~~only~~ drugs that ~~which~~ are regularly available without prescription. ~~at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics.~~ These shall be administered ~~given~~ to a resident only upon the written order of a licensed prescriber. Administration shall be ~~the physician, dentist, or podiatrist, shall be administered~~ from the original containers, and shall be recorded in the resident's clinical record. ~~(B)~~

~~i)h)~~ A facility may keep ~~"~~ convenience boxes~~"~~ containing ~~a reasonable number of~~ medications to be used for initial doses. ~~normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six single doses of any one medication for each 100 licensed beds or portion thereof. Such conditions may include, but are not limited to; convulsions, serious emotional upsets, diarrhea, infection, severe pain, etc. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two tablets, the facility may keep 12 tablets in the convenience box. (B)~~

1) The contents and number of ~~these "~~convenience boxes~~"~~ shall be determined by the pharmaceutical advisory committee. The contents shall

be listed~~, and there shall be a label~~ on the outside of each box. ~~, listing the contents. (B)~~

~~2) Each "~~ convenience box~~"~~ shall be the property of and under the control of the pharmacy that ~~which~~ supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. ~~(B)~~

3) No Schedule II controlled substances shall be kept in ~~"~~ convenience boxes.~~" (B)~~

j)~~i)~~ The contents and number of emergency ~~Emergency~~ medication kits ~~containing drugs necessary for life saving measures~~ shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations ~~as~~ determined by the pharmaceutical advisory committee. ~~(B)~~

~~1)~~ Each emergency medication ~~In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each~~ kit shall be sealed after it has been checked and refilled. ~~This would ensure that the contents of each kit are intact when needed in an emergency.~~

~~2) These kits shall consist of no more than three single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic and allergic reactions, acute convulsions, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic.~~ Emergency medication ~~The~~ kits shall ~~should~~ also contain all of the equipment needed to administer the ~~these~~ medications.~~, such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B)~~

3) The contents of emergency medication ~~these~~ kits shall be labeled on the outside of each kit. The kits shall be checked and refilled by the pharmacy after use and as otherwise needed. The ~~They shall be reviewed by the~~ pharmaceutical advisory committee shall review the list of substances kept in emergency medication kits ~~regarding content~~ at least quarterly. Written documentation of this review shall be maintained. ~~(B)~~

k)~~j)~~ The ~~Since emergency medication kits must be available for immediate use at all times, the~~ following requirements shall ~~must~~ be met when controlled substances are kept as part of the emergency medication kits: ~~(B)~~

1) If an emergency medication kit is not stored in a locked room or cabinet, or if the kit contains controlled substances that require refrigeration, then the ~~The~~ controlled substances portion of the kit shall ~~must~~ be stored

separately in a locked cabinet or room (or locked refrigerator or locked container within a refrigerator, as appropriate) and labeled with a list of the substances and a statement that they are part of the emergency medication kit.~~, and labeled as to substance and the fact that they are a part of the emergency medication kit.~~ The label of the emergency medication kit shall list the substances and the specific location where they are stored. ~~(B)~~

2) Controlled ~~The controlled~~ substances for emergency medication kits shall ~~must~~ be obtained from a federal Drug ~~drug~~ Enforcement Administration registered hospital, pharmacy, or licensed prescriber ~~practitioner~~. ~~(B)~~

3) Only the director of nursing ~~services~~, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or licensed prescriber ~~practitioner~~ shall have access to ~~these~~ controlled substances stored in emergency medication kits. ~~(B)~~

4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single~~, injectable~~ doses of any one controlled substance. ~~(B)~~

~~5)~~ Controlled ~~These controlled~~ substances in emergency medication kits may be administered only ~~under the emergency conditions set forth in subsection(i)(2) of this Section and only~~ by persons licensed to administer medications ~~registered nurses, licensed practical nurses or practitioners~~, in compliance with 21 CFR 1306.11 and ~~21 CFR~~ 1306.21 and ~~the Department of Professional Regulation's rules for the administration of~~ the Illinois Controlled Substances ~~Substance~~ Act [720 ILCS 570] ~~(77 Ill. Adm. Code 3100)~~. ~~(B)~~

6) A proof-of-use sheet shall be stored with each ~~separate~~ controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or licensed prescriber ~~practitioner~~ when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets. ~~(B)~~

7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked, or the controlled substance is replaced ~~by the consultant pharmacist~~. Shift counts are not mandatory when the kit is sealed. Forms ~~Proper forms~~ for shift counts shall be kept with the controlled substances portion ~~these portions~~ of the emergency medication kit ~~kits~~. ~~(B)~~

8) The consultant pharmacist shall check the controlled substances portions

of emergency medication kits at least monthly and so document on the outside of the kit. ~~(B)~~

9) Failure to comply with any provision of this Section, or with ~~of~~ any applicable provision of State ~~state~~ or federal statutes or State regulations pertaining to controlled substances, shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until ~~such time as~~ the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines and other penalties.

l)~~k)~~ Oxygen may be administered in a facility. ~~either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled~~ The oxygen supply shall be stored and handled in accordance with the ~~1977~~ National Fire Protection Association (NFPA) Standard No. 99: Standard for Health Care Facilities (2002, no later amendments or editions included) ~~Standards, but no subsequently amended edition of the Standards,~~ for nonflammable medical gas systems. ~~(See Section 390.2620 or Section 390.2920 as appropriate).~~ The facility shall comply ~~must be compliance~~ with directions for use of oxygen systems ~~concentrators~~ as established by the manufacturer and by the applicable provisions of the NFPA Life Safety Code (see Section 390.340) and NFPA 99. ~~(A, B)~~

1) Facilities shall store medical grade products separately from industrial grade products. The storage area for medical grade products shall be well defined with one area for receiving full medical gas vessels and another for storing empty vessels.

2) All personnel who will be handling medical gases shall be trained to recognize the various medical gas labels. Personnel shall be trained to examine all labels carefully.

3) If the facility's supplier uses 360-degree wrap-around labels to designate medical oxygen, personnel shall be specifically trained to make sure each vessel they connect to the oxygen system bears such a label.

4) All facility personnel responsible for changing or installing medical gas vessels shall be trained to connect medical gas vessels properly. Personnel shall understand how vessels are connected to the oxygen supply system and shall be alerted to the serious consequences of changing connections.

5) If a medical gas vessel fitting does not seem to connect to the oxygen system fitting, the supplier shall be contacted immediately. The vessel shall be returned to the supplier to determine the fitting or connection problem.

6) Once a medical gas vessel has been connected to the oxygen supply system, but prior to introducing the product into the system, a trained

facility staff member shall ensure that the correct vessel has been connected properly.

(Source: Amended at 27 Ill. Reg. 5947, effective April 1, 2003)

Section 390.1420 Compliance ~~Conformance~~ with Licensed Prescriber's ~~Physician's~~ Orders

a) All medications ~~including catharties, headache remedies, or vitamins~~ shall be given only upon the written, facsimile or electronic order of a licensed prescriber ~~physician~~. The facsimile or electronic order of a licensed prescriber shall be authenticated by the licensed prescriber within 10 calendar days, in accordance with Section 390.1610. All such orders shall have the handwritten signature (or unique identifier) of the licensed prescriber.~~physician~~ (Rubber stamp signatures are not acceptable.) These medications shall be administered ~~given~~ as ordered ~~prescribed~~ by the licensed prescriber ~~physician~~ and at the designated time.

b) Telephone orders may be taken by a registered nurse, ~~or~~ licensed practical nurse or licensed pharmacist. All such orders shall be immediately written on the resident's clinical record~~,~~ or a ~~"~~ telephone order form~~"~~ and signed by the nurse or pharmacist taking the order. These orders shall be countersigned by the licensed prescriber ~~physician~~ within 10 calendar days.

c~~b~~) The staff pharmacist or consultant pharmacist shall review the medical record, including licensed prescriber ~~physician~~ orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, and Section 390.Appendix C, determine if there are irregularities that ~~which~~ would cause ~~potential~~ adverse reactions, allergies, interactions, contraindications, medication errors or ineffectiveness. This review shall be done at the facility and shall~~.~~ ~~Documentation of this review must~~ be documented ~~entered~~ in the resident's clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, the director of nursing and the administrator, and shall be acted upon.

d~~c~~) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee.

e~~d~~) The resident's licensed prescriber ~~attending physician~~ shall be notified of medications about to be stopped so that the licensed prescriber ~~physician~~ may promptly renew such orders to avoid interruption of the resident's therapeutic regimen.

f~~e~~) The licensed prescriber shall approve the release of any ~~All~~ medications ~~to be released~~ to the resident, or person responsible for the resident's ~~his~~ care, at the

time of discharge or when the resident is going to be temporarily out of the facility at medication time. ~~(such as when attending a vocational training program or on a weekend pass), shall be approved by the physician. A notation concerning their disposition~~ Disposition of the medications shall be noted in ~~made on~~ the resident's clinical record.

(Source: Amended at 27 Ill. Reg. 5947, effective April 1, 2003)

Section 390.1430 Administration of Medication

~~a) All medications shall be administered only by licensed medical or licensed nursing~~ personnel who are licensed to administer medications in accordance with their respective licensing requirements. ~~(Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of these schools~~ Licensed practical nurses shall have successfully completed ~~complete~~ a course in pharmacology or have at least one year's full-time supervised ~~equivalent~~ experience in administering medications in a health care setting~~, in order to be considered to "have either training or experience, or both, in the job assigned to them" (Section 390.670(b)(2)),~~ if their duties include administering medications to residents.~~) (A, B) Attorney General's Opinion File No. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat.1973, ch. 91, pars. 35.32 et seq.), and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aids, orderlies, attendants, and other auxillary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."~~

1) Medications shall be administered as soon as possible after doses are prepared at the facility and shall be administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. ~~(B)~~

2) Each dose administered shall be properly recorded in the clinical record ~~records~~ by the person who administered ~~administers~~ the dose. (See Section 390.1620~~(b)(16)~~.) ~~(A, B)~~

3) Self-administration of medication shall be permitted only upon the written order of the licensed prescriber ~~attending physician~~. ~~(B)~~

b) The facility shall have medication records ~~cards, or acceptable substitutes,~~ that ~~which~~ shall be used and checked against the licensed prescriber's ~~physician's~~

orders when administering medications to assure proper administration of medicine to each resident. Medication records ~~Such records as computer generated medication sheets may be used. These cards~~ shall include or be accompanied by recent photographs or other means of easy, accurate resident identification ~~such as resident identification wristbands~~. Medication records shall contain resident's name, diagnoses, known allergies, current medications, dosages, directions for use, and, if available ~~possible~~, a history of prescription and non-prescription medications taken by the resident during the 30 days prior to admission to the facility. ~~(B)~~

c) Medications prescribed for one resident shall not be administered to another resident. ~~(B)~~

~~d) If~~, for any reason, a licensed prescriber's ~~physician's~~ medication order cannot be followed, the licensed prescriber ~~physician~~ shall be notified as soon as is reasonable, depending upon the situation, and a notation made in ~~on~~ the resident's record. ~~(B)~~

e) Medication errors and drug reactions shall be immediately reported to the resident's physician, licensed prescriber if other than a physician, ~~and~~ the consulting pharmacist and the dispensing pharmacist (if the consulting pharmacist and the dispensing pharmacist are not associated with the same pharmacy). An entry ~~thereof~~ shall be made in the resident's clinical record, and the error or reaction shall also be described on an incident report. ~~(A, B)~~

f) Nurses' stations shall be equipped as per Section 390.2660~~(c)~~ or Section 390.2960~~(d)~~ and shall have all necessary items readily available for the proper administration of medications.

g) Current medication references shall be available, such as the current edition of "Drug Facts and Comparisons", "Hospital Formulary~~,~~", "USP-DI (United States Pharmacopeia-Drug Information)", "Physician's Desk Reference" or other suitable references.

(Source: Amended at 27 Ill. Reg. 5947, effective April 1, 2003)

Section 390.1440 Labeling and Storage of Medications

a) All medications for all residents shall be properly labeled and stored at~~,~~ or near the nurses' station in a locked cabinet, in a locked medication room, or in one or more locked mobile medication carts of satisfactory design for such storage. (See subsections ~~subsection~~ (f) and (g) of this Section.) ~~(B)~~

1) These cabinets, rooms, and carts shall be well lighted and of sufficient size to permit storage without crowding. ~~(B)~~

2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely.~~, either in a locked room or otherwise made immobile. (B)~~

b) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room or mobile medication cart. ~~(B)~~

c) All poisonous substances and other hazardous compounds~~, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents~~ shall be kept in a separate locked container away from medications. ~~(B)~~

~~d) Biologicals or medications requiring refrigeration shall be kept in a separate~~, securely fastened and locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. ~~(B)~~

e) The key or access code to the medicine cabinet, medicine room or mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer medications at all times. ~~(B)~~

f) The label of each individual multidose medication container filled by a pharmacist shall clearly indicate the resident's full name;~~,~~ licensed prescriber's ~~physician's~~ name;~~,~~ prescription number, name, strength and quantity of drug;~~,~~ date this container was last filled;, the initials of the pharmacist and, if applicable, the pharmacy technician filling the prescription;~~,~~ the identity of the pharmacy;~~,~~ the refill date;~~,~~ and any necessary special instructions. If the individual multidose medication container is filled by a licensed prescriber ~~physician~~ from his or her own supply, the label shall clearly indicate all of the preceding information and the source of supply; it shall exclude ~~except that pertaining to the~~ identification of the pharmacy, pharmacist and prescription number.

g) Each single unit or unit dose package shall bear the proprietary and nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the licensed prescriber ~~physician~~ do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall be labeled with ~~have a label bearing~~ the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the initials (or unique identifier) of the pharmacist who reviewed and verified the medications ~~on hand~~. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if

the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. ~~(B)~~

h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing licensed prescriber ~~physician~~ for relabeling or disposal. Medications whose directions for use have changed since the medication was originally dispensed and labeled may be retained for use at the facility in accordance with the licensed prescriber's current medication order. Medications in containers having no labels shall be destroyed in accordance with federal ~~Federal~~ and State laws. ~~(B)~~

i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse, acting as the agent of the resident, may remove previously dispensed medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication. ~~as, for instance, when the resident is on a home visit or away from the facility for employment, workshop, or educational activities.~~ When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name and strength of the medication, instructions for administration ~~taking~~ and any other appropriate information. ~~(B)~~

(Source: Amended at 27 Ill. Reg. 5947, effective April 1, 2003)

Section 390.1450 Control of Medications ~~Narcotics and Legend Drugs~~

a) The facility shall comply with all federal ~~Federal~~ and State laws and State regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.

b) All Schedule II controlled substances shall be stored ~~in such a manner~~ so that two separate locks, using two different keys, must be unlocked to obtain these substances. This may be accomplished by several methods, such as locked cabinets within locked medicine rooms;~~,~~ separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet;~~,~~ locked portable medication carts~~,~~ that ~~which~~ are stored in locked medicine rooms when not in use; or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile. ~~(B)~~

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c) Disposal of Medications

~~1) All discontinued~~ medications ~~, those~~having an expiration date that has passed, and all medications of residents who have been discharged or who have died ~~expired,~~ shall be disposed of in accordance with the written policies and procedures ~~that have been~~ established by the facility in accordance with Section 390.1410. Medications shall be transferred with a resident, upon the order of the resident's physician, when a resident transfers to another facility. All discontinued medications, with the exception of those products regulated and defined as controlled substances under Section 802 of the federal Controlled Substances Act (21 USC 802), shall be returned to the dispensing pharmacy.

2) ~~This Section shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit.~~ Medications for any resident who has been temporarily transferred to a hospital ~~such persons~~ shall be kept in the facility. Medications may be given to a discharged resident only upon the order of the licensed prescriber. ~~until such time as the resident expires or is discharged from the facility. (B)~~

d) Inventory Controls

1) For all Schedule II controlled substances, a controlled substances record shall be maintained that ~~which~~ lists on separate sheets, for each type and strength of Schedule II controlled substance ~~Substance~~, the following information: date, time administered, name of resident, dose, licensed prescriber's ~~physician's~~ name, signature of person administering dose, and number of doses remaining.

2) The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 27 Ill. Reg. 5947, effective April 1, 2003)

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1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3)

Section Numbers:	Proposed Action:
1001.410	Amend
1001.442	Amend
1001.443	New
1001.444	Renumber and Amend

4) Statutory Authority: Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 11-501(i) of the Illinois Vehicle Code [625 ILCS 5/ 2-104, 6-103, 6-205(c), 6-206(c)3, and 11-501(i)].

5) Effective Date of Amendments: March 31, 2003

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 agency's principal Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: This proposed rulemaking was originally published at 27 *Illinois Register* 18209 on 27 December 2002 (Issue 52).

10) Has JCAR issued a Statement of Objections to these Amendments? No.

11) Differences between proposal and final version: Some revisions to the original proposal were made according to recommendations made by JCAR in its "Identical First Notice Line Numbered Version", received by the Department of Administrative Hearings on 30 December 2002, and in the "Second Notice Changes" issued by JCAR and received here on or about 18 March 2003.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rulemaking replace an emergency rule currently in effect? No. The emergency rules which were previously promulgated have expired. See 26 Ill. Reg. 14706 (Issue 26, 4 October 2002).

14) Are there any other proposed amendments to this Part pending? No.

15) Summary and Purposes of Amendments: These amendments achieve the following objectives:

Facts have come to the attention of the Secretary of State which indicate that the current rules lack a crucial enforcement provision. The current rules authorize the Secretary to disqualify a device manufacturer for various reasons. (See 92 IAC §1001.442(d).) The current version of the rule in question does not provide for the reassignment of BAIID permittees to other interlock manufacturers when the manufacturer which is responsible for the permittee's interlock device is disqualified or ceases operations (due to bankruptcy or death of the owner/operator, for example). If that occurred, the manufacturer would be prohibited from providing interlock devices to BAIID permittees assigned to that manufacturer's region and there is no provision as to the future of those permittees already assigned and being serviced by the disqualified manufacturer. As a consequence, those permittees who are currently driving with interlocks provided by a disqualified manufacturer must be reassigned to another manufacturer which can maintain the interlock device currently installed or provide another interlock device. The current rules do not allow for this reassignment and protection of the affected BAIID permittees. The General Assembly recently gave the Secretary of State authority to establish by rule and regulation the procedures for "certification" and use of the interlock system. See the amendment to §6-205(h) of the Illinois Vehicle Code [625 ILCS 5/6-205(h)] made by P.A. 92-248.

Furthermore, P. A. 92-248 (SB 823, effective 3 August 2001) amended §§6-205(h) and 11-501(i) of the Illinois Vehicle Code (IVC) to require the Secretary of State to require the use of an ignition interlock device on all vehicles owned by people who are convicted of driving under the influence (§11-501 of the IVC) a second or subsequent time. This bill was proposed by the Illinois Department of Transportation in response to federal legislation. (See the Transportation Equity Act for the 21st Century (TEA-21), H.R. 2400, P.L. 105-178, and its technical corrections bill, entitled TEA-21 Restoration Act, P.L. 105-206.) Section 1406 of the Act amended Chapter 1 of Title 23, USC by adding §164, which established a transfer program under which a percentage of a State's federal-aid highway construction funds will be transferred to the State's apportionment under §402 of Title 23 USC, if the state fails to enact and enforce a conforming "repeat

intoxicated driver" law. The rules of the Federal Highway Administration, at 23 CFR 1275, provide that, to avoid the transfer of funds, a state must enact and enforce a law which establishes, as a minimum penalty, that all repeat intoxicated drivers shall:

(1) Receive a driver's license suspension of not less than one year;

(2) Be subject to either—

(i) The impoundment of each of the driver's motor vehicles during the one-year license suspension;

(ii) The immobilization of each of the driver's motor vehicles during the one-year license suspension; or

(iii) The installation of a State-approved ignition interlock system on each of the driver's motor vehicles at the conclusion of the one-year license suspension;

(3) Receive an assessment of their degree of alcohol abuse, and treatment as appropriate; and

(4) Receive a mandatory sentence of—

(i) Not less than five days of imprisonment or 30 days of community service for a second offense; and

(ii) Not less than ten days of imprisonment or 60 days of community service for a third or subsequent offense.

23 CFR §1275.4. See Vol. 63 Fed. Reg. No. 201 (19 October 1998).

<u>This rulemaking amends the definition in section 92 Ill. Adm. Code Part 1001, Subpart D, to include a definition of whom is subject to the rule. The new section proposed by the rulemaking further clarifies the definition or meaning of the word "owns" for purposes of the rule; requires that those multiple offenders who are subject to the rule (i.e., multiple offenders who are granted driving relief) must certify to the Department of Administrative Hearings that an interlock device has been installed on all of the vehicles which the offender owns; specifies the manner in which this certification shall be provided; provides for the manner in which certification shall be verified by the</u>

Department of Administrative Hearings; and states what sanctions shall be imposed for a violation of this rule.

(It should be noted that the Secretary of State already requires multiple offenders to install an interlock device on any vehicle which he or she proposes to drive pursuant to the issuance of a restricted driving permit. This rulemaking requires that an interlock be installed on every vehicle which the multiple offender owns, regardless of whether he or she intends to drive it. It includes multiple offenders who decline to accept the offer of a restricted driving permit prior to the reinstatement of their driving privileges.)

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

Marc Christopher Loro, Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8245
mloro@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

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1001.30 Right to Counsel
1001.40 Appearance of Attorney
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1001.60 Substitution of Parties
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SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

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1001.300 Applicability
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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section
1001.400 Applicability
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1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441 Breath Alcohol Ignition Interlock Device Program
1001.442 Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program ~~Installers' Responsibilities~~
1001.444~~443~~ Installer's~~Installers'~~ Responsibilities
1001.450 New Hearings
1001.460 Requests for Modification of Revocations and Suspensions
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1001.480 Unsatisfied Judgment Suspensions
1001.485 Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
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SUBPART E: FORMAL MEDICAL HEARINGS

Section
1001.500 Applicability
1001.510 Definitions
1001.520 Procedure
1001.530 Conduct of Medical Formal Hearings
1001.540 Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

1001.600 Applicability
1001.610 Definitions
1001.620 Burden of Proof
1001.630 Implied Consent Hearings; Religious Exception
1001.640 Implied Consent Hearings; Medical Exception
1001.650 Rebuttable Presumption
1001.660 Alcohol and Drug Education and Awareness Program
1001.670 Petition for Restricted Driving Permits
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SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700 Applicability
1001.710 Definitions
1001.720 Organization of Motor Vehicle Review Board
1001.730 Motor Vehicle Review Board Meetings
1001.740 Board Fees
1001.750 Notice of Protest
1001.760 Hearing Procedures
1001.770 Conduct of Protest Hearing
1001.780 Mandatory Settlement Conference
1001.785 Technical Issues
1001.790 Hearing Expenses; Attorney's Fees
1001.795 Invalidity

APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implements Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790,

effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school or institution, whether public or private, which offers classes or courses of instruction and which is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report that conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form

prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and drug evaluation (uniform report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse (OASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by OASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, which conforms to the standards established by OASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.
"BAIID Permittee" means a BAIID petitioner who has been issued an RDP as a result of a hearing

"BAIID Multiple Offender" means anyone who is required to install an interlock device on all vehicles he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC.

"BAIID petitioner" means anyone who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by Sections 6-205(c) and 6-206(c)3 of the IVC.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint the vehicle will be prohibited from starting. The unit or combination of units to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test

"Clinical Impression" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance

abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.
"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.

"DUI disposition" means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the

petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "employed" or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a rolling retest" means anytime the BAIID Permittee registers a BrAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

"Immediate family" means a member of the petitioner's household, the petitioner's parents, grandparents, children, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.
"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"Medical or physical BAIID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without sacrificing the intent of the BAIID Program.

"Medical or Physical BAIID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAIID by the BAIID Permittee for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm.

Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and no other symptoms of substance abuse or ~~of~~ dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the

suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAIID Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Rolling retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State.

"Service or inspection notification" means that feature of the device that advises or notifies the BAIID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report.

"Service center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

one prior conviction or court ordered supervision for DUI, one prior

statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or

other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/recovery program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity;

A strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the

interlock device.

"24 Hour lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful attempt to start the vehicle" means anytime the BAIID Permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, and motorcycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.
"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 27 Ill. Reg. 5969, effective March 31, 2003)

Section 1001.442 Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions

a) The responsibilities of a device manufacturer shall include:

1) The manufacturer shall carry product liability insurance with minimum liability limits of $1 million per occurrence and $3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that ~~thirty (~~30~~)~~ days notice will be given to the Secretary and DPH before cancellation of the insurance;

2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees and agents, and DPH and its officers, from all claims, demands, actions and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of a device;

3) The manufacturer of a device shall develop separate detailed written instructions regarding the installation, maintenance and the normal

operation of the device;

4) The manufacturer shall provide an 800 customer service/question/complaint hotline;

5) The manufacturer shall provide a training program for the individual operating the device on operation, maintenance, and safeguards against improper operations. The manufacturer shall warn the BAIID Permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of their RDP. The manufacturer shall instruct the BAIID Permittee and other individuals participating in the training program to maintain a journal of events surrounding failed readings or problems with the device;

6) The manufacturer shall provide informational materials to the Secretary for distribution to BAIID Eligible Petitioners;

7) The manufacturer shall provide a warranty of performance to ensure responsibility for support of service within a maximum of ~~forty-eight (~~48~~)~~ hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;

8) The manufacturer shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any costs incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;

9) The leases, fee schedules, installation verification forms, noncompliance report forms, calibration verification/tamper report forms, and removal/deinstallation report forms used by manufacturers in the program shall be approved by the Secretary;

10) If a manufacturer requires a security deposit by a BAIID Pemittee and the amount of the deposit required is more than an amount equal to ~~one (~~1~~)~~ month's rental or lease fee, said security deposit must be deposited in an

escrow account established at a bank, savings bank or savings and loan association located within the manufacturer's Illinois BAIID region. The manufacturer will provide the Secretary with a certified statement of the escrow account upon his request.

11) Any manufacturer whose device is installed must submit monitor reports to the Secretary no later than ~~seven (~~7~~)~~ days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer. These monitor reports shall be transmitted using agreed upon electronic transfer protocols. The Secretary shall provide an electronic copy of all monitor reports to DPH;

12) The manufacturer shall provide to the Secretary upon request additional reports, to include but not be limited to records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols and a copy shall be provided by the Secretary to DPH upon request;

13) The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence upon request;

14) The manufacturer shall service all BAIID Permittees in their designated geographic region under standards established for that region as set forth in Appendix A.

b) Approval of BAIIDs for analyzing the alcohol content of breath:

1) Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 S. 7th St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:

A) 1.4.S, Power, if the device is not designed to be operated from the battery.

B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below -20°C and above +70°C.

C) 2.3.S, Warm Up, if the device is not designed to be operated below -20°C.

D) 2.5.S, Temperature Package, if the device is not designed to be operated below -20°C and above +70°C.

2) Within ~~thirty-six (~~36~~)~~ months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a field testing protocol developed by the DPH and review of field performance results from the program.

3) No device shall be given approval if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions.

4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025.

5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within ~~five (~~5~~)~~ to ~~fifteen (~~15~~)~~ minutes after starting the vehicle. Rolling retests shall continue at a rate of two ~~(2)~~ per hour in random intervals not to exceed ~~forty-five (~~45~~)~~ minutes after the first rolling retest.

6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:

A) The rolling retest is not performed;

B) The BrAC readings of the rolling retest is 0.05 or more;

C) Tampering or circumvention attempts are detected.

7) The device shall be required to have permanent lockout ~~five (~~5~~)~~ days after

the Service or Inspection Notification if it is not serviced or calibrated. Notification shall be given by the device in the following cases: anytime the device registers three ~~(3)~~ BrAC readings of .05 or more within a ~~thirty (~~30~~)~~ minute period; ~~ten (~~10~~)~~ or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAIID Permittee of the initial monitor report; a failure to successfully complete a rolling retest; after any attempted tampering or circumvention; every ~~sixty (~~60~~)~~ days after the initial monitor report.

8) The device shall be required to have ~~Twenty Four (~~24~~)~~ Hour Lockout anytime the BAIID Permittee registers three ~~(3)~~ BrAC readings of 0.05 or more within a ~~thirty (~~30~~)~~ minute period.

9) Any device to be approved shall provide for calibration at least once every ~~sixty (~~60~~)~~ days using a wet bath simulator or other approved equivalent procedure; ie., dry gas standard.

10) Any manufacturer/service center/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle within ~~fifteen (~~15~~)~~ days using an agreed upon electronic transfer medium and format. The Secretary shall provide a copy of the information to DPH.

11) Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.

12) A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH certifying the device:

A) Does not impede the safe operation of a vehicle.

B) Minimizes opportunities to bypass the device.

C) Performs accurately and reliably under normal conditions.

D) Prevents a BAIID Permittee from starting a vehicle when the BAIID Permittee has a prohibited BrAC; i.e. ≥ 0.025.

E) Satisfies the requirements for certification set forth in this Section.

13) The written request shall include all of the following information:

A) The name and address of the manufacturer of the device.

B) The name and model number of the device. A separate request is required for each model or type of device.

C) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal.

D) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.

E) A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications in this Section.

F) A description of the manufacturer's present and two ~~(2)~~ year plan for distribution and service in Illinois.

G) A certification from the manufacturer that it will accept the region assigned as a result of a random draw and will service all BAIID Permittees residing in the designated region under standards established for that region.

14) The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device no later than ~~thirty (~~30~~)~~ days after receipt of all required requested materials and certifications.

15) The manufacturer shall provide the Secretary:

A) A list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored in an agreed

upon format. The manufacturer shall notify the Secretary of any new locations or any locations which are closed;

B) Five ~~(5)~~ production devices of which three ~~(3)~~ will be used for field testing; and

C) Training for the Secretary's employees and DPH's inspectors and program administrator at no cost.

16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.

17) A list of approved devices shall be maintained by the Secretary.

c) DPH Inspections

DPH may conduct independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any noncompliance so reported. The manufacturer shall report in writing to the Secretary within ~~thirty (~~30~~)~~ days after receiving notification of the noncompliance any corrective actions taken.

d) Disqualification of a Manufacturer

1) The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a ~~thirty (~~30~~)~~ day opportunity to come into compliance in any of the following cases:

A~~1~~) Failure to submit monitor reports in a timely manner as provided in subsection (a)(11). If the Secretary finds, through investigation, that the BAIID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the

manufacturer or installer indicating that a third~~second~~ such occurrence with a 12 month period will result in cancellation of participation;

B~~2~~) Failure to maintain liability insurance as required;

C~~3~~) Failure to comply with all of the duties and obligations contained in this Part.

2) Upon disqualification or the cessation of the operation of a manufacturer, the Secretary shall assign future BAIID Permittees from that manufacturer's region to another manufacturer closest to the permittee. Upon disqualification of the manufacturer, the Secretary shall:

A) Immediately reassign all permittees previously assigned to the manufacturer to another manufacturer closest to the permittee; or

B) If such action does not jeopardize the safety of the public, allow the disqualified manufacturer to continue to service any permittee assigned to it prior to the disqualification. However, such permittees shall have the option of being reassigned to another manufacturer closest to the permittee.

All costs related to such reassignments shall be paid by the permittees.

e) Designation and Assignment of Regions

The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within its assigned region to service BAIID Permittees residing in said region under standards established for that region as set forth in Appendix A.

(Source: Amended at 27 Ill. Reg. 5969, effective March 31, 2003)

1001.443 Breath Alcohol Ignition Interlock Device Multiple Offender − Compliance with Interlock Program

a) For the purposes of this Part, a person "owns" a vehicle when it is registered in his or her name, regardless of whether it is registered or titled solely in his or her name or jointly with another person or persons.

b) Anyone who is required to install an interlock device on all vehicles which he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall certify to the Secretary, in the manner stated in subsection (c), that he or she has installed an interlock device on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 12 consecutive months.

c) A BAIID Multiple Offender shall certify compliance with the interlock program by filing an affidavit with the Secretary which states that the offender installed an interlock device on all vehicles he or she owns and which lists, by make, model, and registration plate number, each and every vehicle that the offender owns, the name and address of the installer, the date installed, and any other information deemed necessary by the Secretary. The offender must submit one certification listing all of the vehicles that he or she owns on a form provided by the Secretary. This certification must be submitted within 7 days after the date of the final installation. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.
The offender must submit another, complete affidavit whenever he or she buys another vehicle, sells a vehicle listed on the affidavit, or changes the installer. This new certification must be submitted within 7 days after the date that one of these transactions is finalized. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

d) The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID Multiple Offenders, and by monitoring compliance with the terms and conditions of the interlock program as provided in §1001.441. If the Secretary finds evidence of non-compliance, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. The offender may contest the cancellation by filing a petition for a formal hearing pursuant to §2-118 of the Code.

e) BAIID Multiple Offenders who are found to have violated the provisions of this Section will be required to certify compliance with the affidavit requirements for another 12 consecutive months.

(Source: Old Section 1001.443 renumbered to Section 1001.444; new Section 1001.443 added at 27 Ill. Reg. 5969, effective March 31, 2003)

Section 1001.444~~443~~ Installer's Responsibilities

The responsibilities of installers of BAIID shall include:

a) An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device.

b) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation.

c) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions).

d) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions. It must be the BAIID Pemittee's responsibility to repair the vehicle if any condition exists that would prevent the proper functioning of the device. The installer should inform the BAIID Permittee that a problem exists, but should not be responsible for repairing the vehicle.

e) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle.

f) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle.

g) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated

with heat shrink tubing or equivalent.

h) The installer shall provide a warranty of performance to assure responsibility for support of service within a maximum of ~~forty-eight (~~48~~)~~ hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle.

(Source: Section 1001.444 renumbered from Section 1001.443 and amended at 27 Ill. Reg. 5969, effective March31, 2003.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Firearm Transfer Inquiry Program

2) Code Citation: 20 Ill. Adm. Code 1235

3)

Section Numbers:	Proposed Action:
1235.40	Amendment
1235.50	Amendment
1235.60	Amendment
1235.70	Amendment
1235.80	Amendment
1235.90	Amendment
1235.110	Amendment
1235.120	Amendment
1235.130	Amendment

4) Statutory Authority: Implementing and authorized by Section 3 and 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) Effective Date of Amendments: March 21, 2003

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of this adopted amendment is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 17342, December 6, 2002

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: See Second Notice Changes.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Editing and formatting changes recommended by JCAR were made. See Second Notice Changes.

13) Will this amendment replace an emergency amendment currently in effect? Yes

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These adopted amendments will update the billing process and telephone number changes associated with the Firearm Transfer Inquiry Program.

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

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1235
FIREARM TRANSFER INQUIRY PROGRAM

Section
1235.10 Purpose
1235.20 Definitions
1235.30 Federal and State Laws and Local Ordinances
1235.40 Access to System
1235.50 Holidays
1235.60 Enrollment
1235.70 Inquiry Requirement
1235.80 Inquiry Procedure
1235.90 Response Procedures
1235.100 Denial Notification
1235.110 Transfer of Firearms
1235.120 Fees
1235.130 Termination of Services

AUTHORITY: Implementing and authorized by Sections 3 and 3.1 of the Firearm Owner's Identification Card Act [430 ILCS 65/3 and 3.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 17785, effective December 1, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 7041, effective April 21, 1992; amended at 22 Ill. Reg. 16635, effective September 8, 1998; amended by emergency rulemaking at 26 Ill. Reg. 17427, effective December 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5998, effective March 21, 2003.

Section 1235.40 Access to System

The Firearm Transfer Inquiry Program will receive automated inquiries 8:30 a.m. to 9:30 p.m., Monday through Sunday, 365 days a year, and manual inquiries from 8:30 a.m. to 4:30 p.m., Monday through Friday. Hours of operation shall be increased if need is identified and funding is available.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

Section 1235.50 Holidays

Automated inquiries will be available on all State holidays. Manual transactions will not be available on State holidays.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.60 Enrollment

All participating dealers must be federally-licensed firearm dealers in Illinois and must enroll in the Firearm Transfer Inquiry Program upon initial licensing and upon renewal of licensing with the Bureau of Alcohol, Tobacco, and Firearms and every three years thereafter by completing the dealer enrollment form provided by the Department. These forms may be obtained from the Firearm Transfer Inquiry Program, P.O. Box 3677, Springfield, IL 62708-3677. The Department shall not charge a fee to enroll. The Department shall provide enrolled dealers with a unique number to be used when inquiring into the Firearm Transfer Inquiry Program. It is the responsibility of the federal firearm licensee to notify the Department of any change, license status, or licensing information.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.70 Inquiry Requirement

All dealers shall inquire into the Firearm Transfer Inquiry Program for all transfers which require the transferee to display a currently valid Firearm Owner's Identification Card previously issued in his name by the Department under the provisions of the Act, except that an inquiry is not required for a transfer from one dealer to another dealer. The inquiry requirements apply equally to transfers involving new, used, and trade-in firearms. Regardless of the requirements of this Part, dealers must comply with all State and federal firearm laws.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.80 Inquiry Procedure

a) The dealer will perform the inquiry by calling a toll-free telephone number provided by the Department to the dealer. The number shall be kept confidential by the dealer and only used to perform inquiries required under Section 1235.70.

b) The inquiry will consist of the permanent portion of the dealer's federal firearm

license number (the first three digits and the last five digits), the dealer number issued by the Department, and the transferee's Firearm Owner's Identification Card number.

c) In the event an inquiry results in a conditional denial, the dealer will provide additional information to facilitate a return call from the Department. The additional information shall include a description of the subject firearm(s) sufficient to determine which delivery waiting period applies and information concerning the dealer's business hours for inquiry response purposes.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.90 Response Procedures

The Department shall provide, during the initial dealer inquiry, an approval, denial, or conditional denial of the transfer. The time period for the Department to respond shall begin at the time the inquiry is received. When the Department provides a conditional denial, the dealer shall not transfer the firearm until an approval is provided by the Department or the length of time prescribed in Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24.3] has been exceeded. Failure of the Department to provide an approval or denial within the prescribed length of time does not relieve the dealer from compliance with any other statutory restrictions on firearm transfers. Regardless of the requirements of this Part, transactions must comply with all State and federal firearm laws.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.110 Transfer of Firearms

The transfer of the firearm(s) associated with a particular inquiry shall only occur after the withholding of delivery provisions of Section 24-3 of the Criminal Code of 1961 [720 ILCS 5/24-3] and within 30 days after the approval to transfer has been provided by the Department.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.120 Fees

The fee for inquiries shall be $2.00 per inquiry . The fee shall be the cost to provide the service, but shall not exceed $2.00 per inquiry as defined by State statute. The fee shall be collected through a billing process implemented by the Department.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

Section 1235.130 Termination of Services

a) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program transactions within 30 days after their due date, the Department shall notify the dealer that failure to pay this bill will result in termination of services.

b) If a dealer fails to pay the fees for the Firearm Transfer Inquiry Program transactions within 60 days after their due date, the Department shall terminate Firearm Transfer Inquiry Program services to the dealer.

c) If a dealer fails to comply with any of the requirements of this Part, the Department shall notify the dealer of the non-compliance. The dealer shall have 30 days from notification of non-compliance in which to respond to the Department.

d) If a dealer fails to respond to a notice of non-compliance or if the response fails to resolve the non-compliance to the satisfaction of the Department, the Department shall terminate Firearm Transfer Inquiry services to the dealer.

e) If a dealer's continued access to Firearm Transfer Inquiry Program services would result in a violation of law or create a danger to the public, services may be suspended immediately.

(Source: Amended at 27 Ill. Reg. 5998, effective March 21, 2003)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Health Care Professional Credentials Data Collection Code

2) Code Citation: 77 Ill. Adm. Code 965

3) Section Number: 77 Ill. Adm. Code 965.300

4) Date Proposal published in Illinois Register: June 7, 2002; 26 Ill. Reg. 8293

5) Date Adoption published in Illinois Register: December 27, 2002; 26 Ill. Reg. 18416

6) Summary and Purpose of Expedited Correction: On December 15, 2002, amendments to 77 Ill. Adm. Code 965, Health Care Professional Credentials Data Collection Code, became effective. However, information needed to determine the single credentialing cycle was inadvertently omitted from the adopted text even though the information was in the proposed text and remained unchanged throughout the rulemaking process. Therefore, expedited correction is needed for Section 965.300(e)(2), (3), and (4).

The needed corrections read as follows for subsection (e) of Section 965.300:

2) For the years 2003/2006/2009…

January	Notification (0's)
February	Collection of data
March	Collection of data
April	Notification (1's)
May	Collection of data
June	Collection of data
July	Notification (2's)
August	Collection of data
September	Collection of data
October	Notification (3's)
November	Collection of data
December	Collection of data

3) For the years 2004/2007/2010…

January	Notification (4's)
February	Collection of data
March	Collection of data

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

April	Notification (5's)
May	Collection of data
June	Collection of data
July	Notification (6's)
August	Collection of data
September	Collection of data
October	Notification (7's)
November	Collection of data
December	Collection of data

4) For the years 2005/2008/2011

January	Notification (8's)
February	Collection of data
March	Collection of data
April	Notification (9's)
May	Collection of data
June	Collection of data

7) Information and questions regarding this request shall be directed to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

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

PART 965
HEALTH CARE PROFESSIONAL CREDENTIALS DATA COLLECTION CODE

SUBPART A: GENERAL

Section
965.110 Definitions
965.120 Referenced Materials
965.130 Use of Uniform Credentialing Forms
965.140 Required Policies and Procedures

SUBPART B: ENFORCEMENT ACTION

Section
965.210 Complaints
965.220 Notice of Violation
965.230 Adverse Action
965.240 Fines and Penalties
965.250 Hearings
965.300 Single Credentialing Cycle
965.310 Waiver from Single Credentialing Cycle

APPENDIX A Health Care Professional Credentialing and Business Data Gathering Form
APPENDIX B Health Care Professional Recredentialing and Business Data Gathering Form
APPENDIX C Health Care Professional Update Data Gathering Form

AUTHORITY: Implementing and authorized by the Health Care Professionals Data Collection Act [410 ILCS 517].

SOURCE: Adopted at 24 Ill. Reg. 11476, effective August 24, 2001; amended at 26 Ill. Reg. 18416, effective December 15, 2002; expedited correction at 27 Ill. Reg. _____, effective December 15, 2002.

SUBPART B: ENFORCEMENT ACTION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

Section 965.300 Single Credentialing Cycle

a) All health care entities and health care plans shall obtain recredentialing data on a health care professional according to the single credentialing cycle beginning July 1, 2002, except:
   1) when a health care professional submits initial credentials data to a health care entity or health care plan;
   2) when a health care professional's credentials data change substantively; or
   3) when a health care entity or health care plan requires recredentialing as a result of patient or quality assurance issues.

b) Data collection for health care entities and health care plans will coincide with a single credentialing cycle that entitles health care entities and health care plans to collect recredentialing data once and not more than every 3 years, except as noted in subsection (a).

c) Data collection:
   1) will be based on the last digit of each health care professional's Social Security number;
   2) will provide for a one month notification period for each digit during which each health care entity and health care plan notifies those persons being recredentialed of the time period during which data are expected to be submitted; and
   3) will provide for a 2 month collection period for each digit during which each health care entity and health care plan receives data from those persons being recredentialed.

d) The single credentialing cycle reflects a 6 month "OPEN" period when health care entities and health care plans cannot collect data from a health care professional, except as noted in subsection (a). This period coincides with the Illinois Department of Professional Regulation's licensing schedule of physicians.

e) The single credentialing cycle is established as follows:

   1) For the years 2005/2008

July	OPEN
August	OPEN
September	OPEN
October	OPEN
November	OPEN
December	OPEN

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

2) For the years 2003/2006/2009…

January	Notification (0's)
February	Collection of data
March	Collection of data
April	Notification (1's)
May	Collection of data
June	Collection of data
July	Notification (2's)
August	Collection of data
September	Collection of data
October	Notification (3's)
November	Collection of data
December	Collection of data

3) For the years 2004/2007/2010…

January	Notification (4's)
February	Collection of data
March	Collection of data
April	Notification (5's)
May	Collection of data
June	Collection of data
July	Notification (6's)
August	Collection of data
September	Collection of data
October	Notification (7's)
November	Collection of data
December	Collection of data

4) For the years 2005/2008/2011

January	Notification (8's)
February	Collection of data
March	Collection of data
April	Notification (9's)
May	Collection of data
June	Collection of data

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

f) Once recredentialing is begun in accordance with the single credentialing cycle, a health care entity or health care plan may continue to request data from a health care professional outside of the published single credentialing cycle if it is not submitted by the deadline date published in the schedule.

g) Nothing in this Section shall be construed to preclude, or otherwise exempt, a health care plan from monitoring, on an ongoing basis, in between recredentialing cycles, information on sanctions, limitations on licensure, and complaints against health care professionals consistent with guidelines issued by any entity that provides private accreditation to health care plans, or from meeting any quality assurance requirement of the entity related to credentialing for the purpose of accreditation or otherwise.

h) The requirements of this Section apply only to health care plans and health care entities as defined in the Act [410 ILCS 517/5].

(Source: Expedited correction at 27 Ill. Reg. _____, effective December 15, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 8, 2003

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

Children and Family Services

1. Audits, Reviews, and Investigations (89 Ill. Adm. Code 434)
   -First Notice Published: 26 Ill. Reg. 16371 – 11/8/02
   -Expiration of Second Notice: 4/24/03

Commerce Commission

2. Internet Enrollment Rules (83 Ill. Adm. Code 453)
   -First Notice Published: 26 Ill. Reg. 16646 – 11/15/02
   -Expiration of Second Notice: 4/9/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

3. Standards for Customer-Provided Inside Wiring (CPIW) (General Order 216) (Repeal) (83 Ill. Adm. Code 740)
   -First Notice Published: 26 Ill. Reg. 16995 – 12/2/02
   -Expiration of Second Notice: 4/10/03

4. Right-of-Way Precondemnation Negotiations by Telephone Companies (83 Ill. Adm. Code 780)
   -First Notice Published: 26 Ill. Reg. 17321 – 12/6/02
   -Expiration of Second Notice: 4/30/03

Corrections

5. Rights and Privileges (20 Ill. Adm. Code 525)
   -First Notice Published: 26 Ill. Reg. 17876 – 12/20/02
   -Expiration of Second Notice: 5/2/03

Education

6. Certification (23 Ill. Adm. Code 25)
   -First Notice Published: 26 Ill. Reg. 17531 – 12/13/02
   -Expiration of Second Notice: 5/3/03

7. Special Education (23 Ill. Adm. Code 226)
   -First Notice Published: 26 Ill. Reg. 14375 – 10/4/02
   -Expiration of Second Notice: 5/3/03

Environmental Protection Agency

8. Determination of Ammonia Nitrogen Water Quality Based Effluent Limits for Discharges to General Use Waters (35 Ill. Adm. Code 355)
   -First Notice Published: 27 Ill. Reg. 713 – 1/17/03
   -Expiration of Second Notice: 4/27/03

9. Procedure for Issuing Grants from the Anti-Pollution Bond Act for Sewage Treatment Works (35 Ill. Adm. Code 363)
   -First Notice Published: 26 Ill. Reg. 17902 – 12/20/02
   -Expiration of Second Notice: 4/27/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

10. Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (35 Ill. Adm. Code 366)
    -First Notice Published: 26 Ill. Reg. 17910 – 12/20/02
    -Expiration of Second Notice: 4/27/03

Human Services

11. Appeals and Hearings (89 Ill. Adm. Code 510)
    -First Notice Published: 26 Ill. Reg. 18161 – 12/27/02
    -Expiration of Second Notice: 4/27/03

Insurance

12. Fees and Charges (50 Ill. Adm. Code 2505)
    -First Notice Published: 26 Ill. Reg. 15166 – 10/25/02
    -Expiration of Second Notice: 4/30/03

Natural Resources

13. Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 Ill. Adm. Code 870)
    -First Notice Published: 26 Ill. Reg. 16802 – 11/15/02
    -Expiration of Second Notice: 5/1/03

14. The Forest Products Transportation Act (17 Ill. Adm. Code 1530)
    -First Notice Published: 27 Ill. Reg. 1089 – 1/24/03
    -Expiration of Second Notice: 4/25/03

15. Timber Buyer Licensing and Harvest Fees (17 Ill. Adm. Code 1535)
    -First Notice Published: 27 Ill. Reg. 1098 – 1/24/03
    -Expiration of Second Notice: 4/25/03

Professional Regulation

16. Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)
    -First Notice Published: 27 Ill. Reg. 470 – 1/10/03
    -Expiration of Second Notice: 5/3/03

17. Naprapathic Practice Act (68 Ill. Adm. Code 1295)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

-First Notice Published: 26 Ill. Reg. 18179 – 12/27/02
-Expiration of Second Notice: 5/3/03

Public Aid

18. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 26 Ill. Reg. 17646 – 12/13/02
-Expiration of Second Notice: 4/24/03

19. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 26 Ill. Reg. 17143 – 12/2/02
-Expiration of Second Notice: 4/27/03

20. Child Support Enforcement (89 Ill. Adm. Code 160)
-First Notice Published: 26 Ill. Reg. 17666 – 12/13/02
-Expiration of Second Notice: 4/24/03

Public Health

21. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
-First Notice Published: 26 Ill. Reg. 17918 – 12/20/02
-Expiration of Second Notice: 5/4/03

22. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
-First Notice Published: 26 Ill. Reg. 17928 – 12/20/02
-Expiration of Second Notice: 5/4/03

23. Local Health Protection Grant Rules (77 Ill. Adm. Code 615)
-First Notice Published: 27 Ill. Reg. 1498 – 1/31/03
-Expiration of Second Notice: 5/4/03

24. Surface Source Water Treatment Code (77 Ill. Adm. Code 930)
-First Notice Published: 26 Ill. Reg. 14546 – 10/4/02
-Expiration of Second Notice: 4/26/03

State Police

25. Sample Collection for Genetic Marker Indexing (20 Ill. Adm. Code 1285)
-First Notice Published: 27 Ill. Reg. 144 – 1/3/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

APRIL AGENDA

-Expiration of Second Notice: 4/12/03

EMERGENCY AND PEREMPTORY RULEMAKINGS

Employment Security

26. Claims Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720) (Emergency)
-Notice Published: 27 Ill. Reg. 4217 – 2/28/03

Housing Development Authority

27. Illinois Affordable Housing Tax Credit Program (47 Ill. Adm. Code 355) (Emergency)
-Notice Published: 27 Ill. Reg. 5033 – 3/21/03

Public Health

28. Illinois Swimming Facility Code (77 Ill. Adm. Code 820) (Emergency)
-Notice Published: 27 Ill. Reg. 4223 – 2/28/03

AGENCY RESPONSES

Central Management Services

29. The Travel Regulation Council (80 Ill. Adm. Code 3000; 27 Ill. Reg. 557) (Emergency)

30. Pay Plan (80 Ill. Adm. Code 310; 26 Ill. Reg. 16583) (Emergency)

31. Pay Plan (80 Ill. Adm. Code 310; 26 Ill. Reg. 17280) (Peremptory)

Children and Family Services

32. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431; 26 Ill. Reg. 4527)

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 March 18, 2003 through March 24, 2003 and have been scheduled for review by the Committee at its April 8, 2003 meeting in Springfield. 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
4/30/03	Illinois Commerce Commission, Right-of-Way Precondemnation Negotiations by Telephone Companies (83 Ill. Adm. Code 780)	12/6/02 26 Ill. Reg. 17321	4/8/03
4/30/03	Department of Insurance, Fees and Charges (50 Ill. Adm. Code 2505)	10/25/02 26 Ill. Reg. 15166	4/8/03
5/1/03	Department of Natural Resources, Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 Ill. Adm. Code 870)	11/15/02 26 Ill. Reg. 16802	4/8/03
5/2/03	Department of Corrections, Rights and Privileges (20 Ill. Adm. Code 525)	12/20/02 26 Ill. Reg. 17876	4/8/03
5/3/03	Department of Professional Regulation, Naprapathic Practice Act (68 Ill. Adm. Code 1295)	12/27/02 26 Ill. Reg. 18179	4/8/03
5/3/03	Department of Professional Regulation, Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)	1/10/03 27 Ill. Reg. 470	4/8/03
5/3/03	State Board of Education, Special Education (23 Ill. Adm. Code 226)	10/4/02 26 Ill. Reg.	4/8/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

		14375	
5/3/03	State Board of Education, Certification (23 Ill. Adm. Code 25)	12/13/02 26 Ill. Reg. 17531	4/8/03
5/4/03	Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	12/20/02 26 Ill. Reg. 17928	4/8/03
5/4/03	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)	12/20/02 26 Ill. Reg. 17918	4/8/03
5/4/03	Department of Public Health, Local Health Protection Grant Rules (77 Ill. Adm. Code 615)	1/31/03 27 Ill. Reg. 1498	4/8/03

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") and 205 ILCS 635/4-5 (H), 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 $500 against American Mortgage Group, Inc., License No**.** #4519 of Belleville, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 12, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION 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") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of John Kwateng, License No. #5971 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 25, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION 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") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of 4 M Financial, Inc., License No. #5341 of Orland Park, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 4, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF REVOCATION 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") and 205 ILCS 635/4-5 (H), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has revoked the license of Gibson Mortgage Company, Inc., License No. #5942 of Jacksonville, FL., a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective March 4, 2003.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings In re: Aztec Fence Company, IDOL File No. 03-PW-RW11-0554, the Director of the Department of Labor gives notice that Rosalio Acosta, owner of Aztec Fence, and any other officer, partner, shareholder or title holder of Aztec Fence, currently located at 740 Sunset Drive, Round Lake, IL 60073, is prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing March 6, 2003 and continuing through March 5, 2005.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings In re: Specialty Fence, IDOL File No. 03-PW-RW11-0554, the Director of the Department of Labor gives notice that Domingo Ruiz owner of Specialty Fence, and any other officer, partner, shareholder or title holder of Specialty Fence, currently located at 525 N. Clardon Drive, Round Lake, IL 60073, is prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing March 6, 2003 and continuing through March 5, 2005.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings In re: Alcon Fence, IDOL File No. 03-PW-RW11-0554, the Director of the Department of Labor gives notice that Nicholas Acosta owner of Alcon Fence, and any other officer, partner, shareholder or title holder of Alcon Fence, currently located at 303 N. Linden Drive, Round Lake, IL 60073, is prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing March 6, 2003 and continuing through March 5, 2005.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings In re: Acosta Fence, IDOL File No. 03-PW-RW11-0554, the Director of the Department of Labor gives notice that Margarito Acosta owner of Acosta Fence, and any other officer, partner, shareholder or title holder of Acosta Fence, currently located at 219 Brierhill Drive, Round Lake, IL 60073, is prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing March 6, 2003 and continuing through March 5, 2005.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

ILLINOIS RACING BOARD

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Trifecta

2) Code Citation: 11 Ill. Adm. Code 306

3) Register citation of proposed or adopted rulemaking and other pertinent action:

27 Ill. Reg 5024

4) Explanation: 1st line, commas after "entry" and "uncoupled" were unintentionally left out. File pages were correct ant commas were correctly placed.

As Published:
Section 306.20 Entries

a) For harness racing, only one entry either coupled or uncoupled shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of $25,000 and a minimum field of eight betting interests at the start of the race. For stakes races with a minimum purse of $50,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests. In stakes races with purses of $200,000 or more, common owner entries, either coupled or uncoupled, shall be allowed.

Should have read:
Section 306.20 Entries

a) For harness racing, only one entry, either coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of $25,000 and a minimum field of eight betting interests at the start of the race. For stakes races with a minimum purse of $50,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests. In stakes races with purses of $200,000 or more, common owner entries, either coupled or uncoupled, shall be allowed.

ILLINOIS RACING BOARD

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Medication

2) Code Citation: 11 Ill. Adm. Code 603

3) Register citation of proposed or adopted rulemaking and other pertinent action:

27 Ill. Reg 5028

4) Explanation: The period should not have been struck and is not struck in the file pages.

Published As:
Section 603.180 Carbon Dioxide Tests

b) Blood samples for TCO_2 shall be drawn pre-race or post-race ~~not earlier than one hour following the official post time of the race.~~

Should have read:
Section 603.180 Carbon Dioxide Tests

b) Blood samples for TCO_2 shall be drawn pre-race or post-race ~~not earlier than one hour following the official post time of the race~~.

ILLINOIS RACING BOARD

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Medication

2) Code Citation: 11 Ill. Adm. Code 603

3) Register citation of proposed or adopted rulemaking and other pertinent action:

27 Ill. Reg 5028

4) Explanation: In main source note (26 Ill. Reg. 12579, effective December 1, 2002) was inadvertently added to the published version and the file pages were correctly posted.

Published As:
SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 26 Ill. Reg. 12579, effective December 1, 2002; amended at 27 Ill. Reg 5027, effective March 7, 2003.

Should have read:
SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg 5027, effective March 7, 2003.

ILLINOIS ADMINISTRATIVE CODE
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Rules acted upon in Volume 27, Issue 14 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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