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Irish Heritage Month

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Days to Commemorate the Honorable Paul Martin Simon

Ill. Adm. Code19402

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Premium Fund Trust Account
- 2) Code Citation: 50 Ill. Adm. Code 3113
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3113.30	Amendment
3113.40	Amendment
- 4) Statutory Authority: Implementing Sections 500-70, 500-110 and 500-115 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 500-70, 500-110, 500-115 and 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Section 3113.40 are intended to permit an insurance producer to have greater flexibility when making investments, but will ensure that the investment risk undertaken is at a level consistent with the requirements of this Part. The balance of the Department's amendments are housekeeping in nature and are meant to bring clarity to this Part.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217)785-8560

or

James C. Rundblom
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217)785-8559

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Insurance producers and investment pools will be affected by these amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new reporting or record keeping requirements are being included at this time.
 - C) Types of professional skills necessary for compliance: Basic record keeping and business math skills will be necessary to comply with the requirements of this Part.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the need to initiate these amendments.

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND BUSINESS ENTITIES

PART 3113
PREMIUM FUND TRUST ACCOUNT

Section	
3113.10	Authority (Repealed)
3113.20	Purpose and Scope
3113.30	Definitions
3113.40	Premium Fund Trust Account
3113.50	Minimum Record Requirements
3113.60	Return Premium
3113.70	Severability
3113.EXHIBIT A	Consent and Authorization Form

AUTHORITY: Implementing Sections 500-70, 500-110 and 500-115 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401, 500-70, 500-110 and 500-115].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 194, effective April 11, 1980; amended at 6 Ill. Reg. 12474, effective September 30, 1982; codified at 6 Ill. Reg. 12471; amended at 8 Ill. Reg. 25007, effective January 1, 1985; amended at 14 Ill. Reg. 2088, effective January 19, 1990; amended at 16 Ill. Reg. 5329, effective March 23, 1992; amended at 26 Ill. Reg. 16518, effective October 28, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 3113.30 Definitions

- a) Financial Institution means a Federal or State chartered bank(s) or savings and loan institution(s) which is a member of the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC).
- b) Premium means any amount of money charged to the insured or to be returned to the insured by the insurer for the assumption of liability through the issuance of policies or contracts for insurance.
- c) Premium Fund Trust Account (hereafter referred to as PFTA) means a special fiduciary account established and maintained by a licensee into which all premiums collected are to be deposited.

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- d) Primary Dealer means a financial institution or government securities dealer who reports daily to the Federal Reserve Bank of New York. (A list of primary dealers is made available by the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045~~).~~)
- e) Quasi-Resident means a non-resident licensee who has a place of business in Illinois or who produces 50% or more of his or her premium volume on Illinois property or risks. For purposes of this definition, a place of business means any identification, designation or location in Illinois used by a Quasi-Resident for insurance purposes. Such ~~identification~~ identification, designation or location may include but is not ~~be~~-limited to the use of an Illinois telephone number, address, post office box or lock box.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 3113.40 Premium Fund Trust Account

- a) All licensees required to maintain a PFTA, pursuant to 50 Ill. Adm. Code 3113.40(c), shall establish and maintain a PFTA in a financial institution. All resident and quasi-resident licensees required to maintain a PFTA pursuant to this Section shall maintain such PFTA with one or more financial institutions located within the State of Illinois and subject to the jurisdiction of the Illinois courts. Licensees are not required to maintain a separate PFTA for each insurer unless required by an insurer(s).
- b) All licensees required to maintain a PFTA, pursuant to ~~subsection 50 Ill. Adm. Code 3113.40~~(c), shall certify at each license ~~renewal or reinstatement extension~~ date that premiums are held in a PFTA. The account must be designated as a Premium Fund Trust Account on the bank records and those words shall be displayed on the face of the checks of that account.
- c) A PFTA must be established and maintained if a licensee:
- 1) Holds any premiums for 15 days or more before remitting to an insurer or other licensee.
 - 2) Deposits any collected premiums into a financial institution account or other account or uses the premiums, even though the premiums are remitted within 15 days.
- d) The absence of a PFTA does not relieve the licensee of the obligation to hold the

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premiums in a fiduciary capacity, and the premiums shall not be used for ~~other~~ purposes other than those authorized by this Part.

- e) All licensees who maintain or are required to maintain a PFTA must deposit all premiums received into the PFTA.
- f) Non-premium monies received by the licensee for soliciting, negotiating, effecting, procuring, renewing, continuing or binding policies of insurance may be deposited into the PFTA. Examples of non-premium monies are service fees, policy fees, late charges, inspection fees and surplus lines premium taxes.
- g) All monies deposited into the PFTA are considered to be fiduciary funds until lawfully withdrawn.
- h) The following disbursements may be lawfully withdrawn from the PFTA:
 - 1) Net or gross premium remittances due other licensees or insurers. Claims payments or reinsurance premiums when offset at the direction of the insurer may be transferred to another account;
 - 2) Return premiums due insureds;
 - 3) Commissions due the licensee, net of any financial institution fees or service charges, or commissions due another licensee only when the commission withdrawal is matched and identified with premiums previously deposited into the PFTA;
 - 4) Non-premium monies when matched and identified with prior non-premium PFTA deposits;
 - 5) Interest or other revenue which the licensee is authorized to retain.
 - 6) Withdrawals pursuant to subsections ~~Subsections 3113.40~~(h)(3), (4) and (5) must be made payable to the licensee or another licensee.
- i) The PFTA shall not be used as a general operating account or claim payment account.
- j) The PFTA balance in the financial institution shall at all times be the amount deposited less lawful withdrawals. If the balance in the financial institution is less than the amount deposited less lawful withdrawals, the licensee shall be deemed

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to have misappropriated fiduciary funds and to have acted in a financially irresponsible manner.

- k) All licensees may place PFTA funds in interest bearing or income producing assets and retain the interest or income thereon, provided the licensee obtains the prior written authorization of the insurer on whose behalf the funds are to be held. The written authorization from the insurer shall be on a form the same as Exhibit A or other written form signed and dated by the licensee and the insurer. ~~No investment shall be made which assumes any risk other than the risk that the obligor shall not pay the principal when due.~~ Employing the use of specialized techniques or strategies which incur additional risks to generate higher returns or to extend maturities is not permitted. Such ~~prohibited~~ techniques ~~would~~ include but are not ~~be~~ limited to the use following: Use of financial futures, or options, or other derivatives, swaps, synthetic assets, margin purchases, short sales buying on margins, pledging or other encumbrance of PFTA assets or balances, and when issued trading. In addition to savings and checking accounts in a financial institution, a licensee may invest in the following assets:
- 1) Direct obligations of the United States of America or U.S. Government agency securities with maturities of not more than one year.
 - 2) Certificates of deposit, with a maturity of not more than one year, issued by financial institutions which are members of the FDIC or the FSLIC.
 - 3) Repurchase agreements with financial institutions or government securities dealers recognized as primary dealers by the Federal Reserve System provided that:
 - A) the value of the repurchase agreement is collateralized with direct obligations of the United States of America or U.S. Government agency securities or other assets ~~that which~~ are allowable investments for PFTA funds; and
 - B) the collateral has a market value at the time the repurchase agreement is entered into at least equal to the value of the repurchase agreement; and
 - C) the repurchase agreement does not exceed 30 days.
 - 4) Commercial paper, provided the commercial paper is rated at least P-1 by Moody's Investors Service, Inc. and at least A-1 by Standard & Poor's

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Corporation.

- 5) Obligations issued by states and possessions of the United States, including Puerto Rico and the District of Columbia, and their political subdivisions, agencies and instrumentalities, or multi-state agencies or authorities, including general obligation bonds, revenue bonds and short term notes, with maturities of not more than one year, and rated at least Aa1, MIG-1/VMIG-1 or Prime-1 by Moody's Investor Service, Inc. or AA, SP-1 or A-1 by Standard and Poor's Corporation. Such obligations must be payable or guaranteed from taxes or revenues of such entities if such entity has not been in default in the payment of principal or interest on any of its direct or guaranteed obligations in the last 5 ~~five~~ years.
- 6) Money Market ~~Mutual Funds registered with the U.S. Securities and Exchange Commission under Rule 2a-7 of The Investment Company Act of 1940, which are rated Aaa by Moody's Investors Service, Inc. or AAAM by Standard & Poor's Rating Services~~ Funds, provided that the Money Market Fund invests exclusively in assets which are allowable investments pursuant to Subsections 3-113.40(k)(1) through (5).
- l) Each investment transaction authorized pursuant to subsection (k) shall be made in the name of the licensee's PFTA. The licensee shall maintain evidence of any such investments. Each investment transaction shall flow through the licensee's PFTA.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.4000	Amendment
300.4010	Amendment
300.4090	Amendment
300.6010	Amendment
300.6090	Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A complete description of the subjects and issues: Section 300.4000 (Applicability of Subpart S) is being amended to allow facilities with 20 or fewer residents with serious mental illness to request an exemption from some subsections of Section 300.4000 by submitting a declaration to the Department. The declaration must meet the requirements of subsection (h)(1)-(3). Procedures for readmitting residents with serious mental illness are included, as well as admission on a case-by-case basis.

Sections 300.4010, 300.4090, 300.6010, and 300.6090 are being amended to add occupational therapists to the list of individuals who can perform psychosocial assessments and act as psychiatric rehabilitation services directors and psychiatric rehabilitation services coordinators. Sections 300.4090 and 300.6090 are being amended to allow facilities to employ persons who have successfully completed a psychiatric rehabilitation certificate program to provide psychiatric rehabilitation program services to residents.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of this notice in the *Illinois Register*.

- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporations by reference? No

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- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.340	Amendment	27 Ill. Reg. 7597
300.661	Amendment	27 Ill. Reg. 4913
300.2820	Amendment	27 Ill. Reg. 7597

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

- 11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Susan Meister at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in its comments.

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Skilled nursing and intermediate care facilities
 - 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

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

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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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
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300.270	Monitor and Receivership
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300.274	Determination of the Level of a Violation
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300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties

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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
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SUBPART C: POLICIES

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300.661	Health Care Worker Background Check
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300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
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300.684	Emergency Use of Physical Restraints
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300.690	Serious Incidents and Accidents
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300.810	General

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- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Behavior Emergencies (Repealed)
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
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- 300.1410 Activity Program
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SUBPART H: MEDICATIONS

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- 300.1610 Medication Policies and Procedures
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FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care

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300.3090	Service Departments
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300.3110	Structural
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300.3130	Plumbing Systems
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300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
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300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
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Section

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300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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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,

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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; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section 300.4000 Applicability of Subpart S

- a) Beginning July 1, 2002, licensed SNF or ICF providing services to persons with serious mental illness shall meet the requirements of this Subpart S. Applicability of this Subpart S shall not affect a facility's compliance with the remainder of this Part.
- b) For the purposes of this Subpart, "serious mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 20005-~~(1994, no later amendments or editions included)~~), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A serious mental illness is determined by all of the following three areas:
 - 1) Diagnoses that constitute a serious mental illness are:
 - A) Schizophrenia;
 - B) Delusional disorder;
 - C) Schizo-affective disorder;
 - D) Psychotic disorder not otherwise specified;
 - E) Bipolar disorder I - mixed, manic, and depressed;

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- F) Bipolar disorder II;
 - G) Cyclothymic disorder;
 - H) Bipolar disorder not otherwise specified I;
 - I) Major depression, recurrent;
- 2) In addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas:
- A) Self-maintenance;
 - B) Social functioning;
 - C) Community living activities;
 - D) Work-related skills;
- 3) Finally, the disability must be of an extended duration expected to be present for at least a year, which results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:
- A) Have experienced two or more psychiatric hospitalizations;
 - B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) ~~because of due to~~ mental illness, or have been deemed eligible for SSI or SSDI.
- c) This Subpart applies to persons who are transferred to a facility for 120 or fewer days for a medical reason directly related to the person's diagnosis of serious mental illness, such as medication management.
- d) This Subpart does not apply to the provision of services for residents having a diagnosis in the following mental disorder categories: senile and presenile organic psychotic conditions, alcoholic psychoses, drug psychoses, transient organic psychotic conditions, other organic psychotic conditions (chronic), non-psychotic disorders due to organic brain damage, and mental retardation.

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- e) This Subpart does not apply to individuals who are transferred to a facility for 120 or fewer days for a medical reason, such as from fractures or cardiac or respiratory traumas. However, during this individual's stay, the individual's mental illness needs shall be met as much as possible, taking into account the individual's medical condition.
- f) Facilities shall consider the location of a resident's room based on the resident's needs and the needs of other residents in the facility. Factors to be considered include aggressive behavior, supervision needs, noise levels, friendship patterns, common rehabilitative goals or services, sleep patterns, interests, recreational pursuits, and vulnerability.
- g) Facilities providing services to persons with serious mental illness in accordance with Subpart S shall also comply with Subparts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and R of this Part. In case of a conflict between those Subparts and Subpart S, the more stringent requirement applies.
- h) Facilities with 20 or fewer residents with serious mental illness may request exemption from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1) by submitting a declaration to the Department that meets the following requirements:
- 1) States that no resident under age 65 with serious mental illness will be admitted to the facility;
 - 2) Is received by the Department by July 1, 2004; or within 5 days after the facility has 20 or fewer residents with serious mental illness and the facility discontinues admission of such residents; and
 - 3) Lists the names and Social Security numbers of the current residents with a diagnosis of serious mental illness.
- i) If a facility, having declared that it will not admit residents with serious mental illness under age 65, substantially fails to meet the needs of the residents with serious mental illness, as identified by the resident assessment, or fails to conduct assessments in accordance with Section 300.4010 and 300.4020, the facility is not exempt from Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).

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- j) A facility that has submitted a declaration to the Department in accordance with subsection (h) of this Section may resume admitting residents under age 65 with the Department's written approval. Approval will be granted when the facility submits proof of compliance with Section 300.4090(a)(1), (2) and (3); (b)(3); (c)(3) and (5); (d); and (f)(1).
- k) A facility that has declared to the Department that individuals under age 65 with serious mental illness will not be admitted may request approval from the Department to admit an individual under age 65 with serious mental illness. The Department's approval will be individual specific and will be based on the individual's complex medical needs that can only be met in a skilled nursing facility. The facility must have demonstrated the ability to meet the individual's medical, nursing, social, psychological, emotional, and personal care needs. The facility cannot admit this individual until approval is provided by the Department.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

- a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Psychiatric Rehabilitation Services Coordinator (PRSC); the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual; a psychiatrist; a social worker; an activity professional; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.
- b) The IDT must identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the facility. The assessment shall be coordinated by a PRSC.
- c) A comprehensive assessment must be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening assessment or assessments conducted to meet other requirements may be used as part of the comprehensive assessment if the assessment reflects the current

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condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:

- 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or, if countersigned by a board certified or board eligible psychiatrist, the evaluation may be completed by a person who is a certified psychiatric nurse, a nurse with a Bachelor of Science in Nursing (BSN) and two years of experience serving individuals with serious mental illness, or a registered nurse with five years of experience serving individuals with serious mental illness; a licensed clinical social worker; a physician; a licensed psychologist; or a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.
- 2) Psychosocial assessment performed by the Psychiatric Rehabilitation Services Director (PRSD), a social worker, an occupational therapist, an LCPC, or the PRSC if reviewed and countersigned by the PRSD. The assessment shall cover the following points:
 - A) Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);
 - B) Reason for admission (including specific problems and how long the problems have existed in their current state; contributing factors to exacerbation of problems; most recent psychiatric

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- treatment and effects; goals of nursing facility as articulated by referral source);
- C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);
 - D) Personal history (including current marital status; marital history including name, occupation, and age of current and previous spouses; name, age, sex and occupation of children, if any; status of significant personal relationships with individuals (past and present); work history of individual including all known past professions and/or jobs);
 - E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);
 - F) Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss including where, when and effect on individual); and
 - G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).
- 3) A skills assessment performed by a social worker, occupational therapist, or PRSD or PRSC with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, including but not limited to the following areas:
- A) Self-maintenance (including basic activities of daily living such as

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- hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);
- B) Social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);
 - C) Community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);
 - D) Occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);
 - E) Symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and
 - F) Substance abuse management (including recovery, relapse prevention and harm reduction).
- 4) Oral screening completed by a dentist or registered nurse.
 - 5) Discharge plan as required by Section 300.4060 of this Part.
 - 6) Other assessments recommended by the IDT or required elsewhere in this Part, or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.
 - 7) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the PRSC or PRSD with each resident. The assessment shall include at a minimum:

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- A) Resident's identification of personal strengths, goals, needs, and resources;
 - B) Skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
 - C) Resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.
- d) Based on the results of all assessments, the PRSD or PRSC shall develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed interests, expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident will also be identified as one of the following levels:
- 1) Basic skills training and supports with opportunities for community integration;
 - 2) Intensive skills training and supports with an increasing focus on community integration; or
 - 3) Advanced skills training and supports with active linkage and use of community services in preparation for expected discharge within six months.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

- a) Psychiatric Medical Director
 - 1) The facility shall have a consultant for the psychiatric rehabilitation program who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator and the Psychiatric Rehabilitation Services Director on

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the overall psychiatric management of the program's residents.

- 2) There shall be communication linkages between the psychiatric medical director and the medical director.
 - 3) The psychiatric medical director, working with the administrator, shall be responsible for annually approving in writing the facility's written policies and procedures for the psychiatric rehabilitation program.
 - 4) Each resident shall be under the care of a psychiatrist. If a resident was admitted and has continuously been a resident since prior to January 1, 2002 and a psychiatrist has never served as the resident's primary physician, the resident may continue with the current physician if that physician uses psychiatric consultation, as needed, for the resident.
 - 5) A psychiatrist shall be available for the psychiatric treatment and psychiatric medication management of the residents. All residents or residents' guardians shall be permitted their choice of psychiatrist.
 - 6) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.
- b) Psychiatric Rehabilitation Services Director
- 1) A Psychiatric Rehabilitation Services Director (PRSD) shall be:
 - A) A licensed, registered, or certified psychiatrist, psychologist, social worker, occupational therapist, rehabilitation counselor, psychiatric nurse or licensed professional counselor who has a minimum of at least one year supervisory experience and at least one year of experience working directly with persons with serioussevere mental illness and who has attended an Illinois Department of Public Aid (IDPA) training program; or
 - B) A person with a master's degree in a human services field with at least one year of supervisory experience and at least three years of experience working directly with persons with severe mental illness who has attended an IDPA training program.
 - 2) An individual who is employed at a licensed nursing home in a capacity

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similar to that of a Psychiatric Rehabilitation Services Director on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual is not a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor. The Department will consider information submitted in accordance with subsection (h) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete the required training.

- 3) Each facility shall have a PRSD for the psychiatric rehabilitation program who is assigned responsibility for:
 - A) Developing and implementing the facility's psychiatric rehabilitation program;
 - B) Developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
 - C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.
 - 4) The PRSD shall ensure that each resident's ITP is developed by an Interdisciplinary Team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.
 - 5) The PRSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.
 - 6) The PRSD shall ensure the availability of education and information for family members of residents.
- c) Psychiatric Rehabilitation Services Coordinator

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- 1) A Psychiatric Rehabilitation Services Coordinator (PRSC) shall be an occupational therapist or possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.
- 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Coordinator on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual does not possess a bachelor's degree in human services. The Department will consider information submitted in accordance with subsection (h) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete required training.
- 3) Each resident admitted to the facility shall have a PRSC to act as a case manager. The PRSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.
- 4) The responsibilities of the PRSC are:
 - A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;
 - C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide and/or coordinate the delivery of the psychiatric rehabilitation services programs; and
 - F) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
- 5) There shall be a PRSC for each 30 participants.

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- 6) If the PRSC is a consultant, then subsections (c)(4)(A) and (E) will also be the responsibility of facility staff.
- d) In a facility with 10 or fewer residents with serious mental illness, the PRSD may act as the PRSC.
- e) Registry of Certified Psychiatric Rehabilitation Services Aides
 - 1) An individual will be placed on the Nurse Aide Registry as a psychiatric rehabilitation services aide when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
 - 2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:
 - A) Documentation of current registration from another state as a psychiatric rehabilitation services aide (PRSA).
 - B) Documentation of successful completion of a PRSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for PRSAs in the Long-Term Care Assistants and Aides Training Programs Code.
- f) Psychiatric Rehabilitation Services Aides
 - 1) Beginning January 1, 2003, facilities shall employ PRSAs or persons who have successfully completed a psychiatric rehabilitation certificate program to provide psychiatric rehabilitation program services to residents.
 - 2) If a facility does not employ PRSAs to provide psychiatric rehabilitation program services, the following minimum training shall be provided to

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certified nursing assistants (CNAs) within 30 days after the CNA's first day of employment:

- A) Understanding the impact of serious ~~severe~~ mental illness;
 - B) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;
 - C) Confidentiality;
 - D) Preventative strategies for managing aggression and crisis intervention;
 - E) Goals and function of case management;
 - F) Appropriate verbal and physical interaction;
 - G) Communication skills between staff and residents; and
 - H) Basic psychiatric rehabilitation techniques and service delivery.
- g) Consultants
- 1) A facility may use consultants with advanced professional degrees who meet the same requirements as facility personnel under this Subpart to provide psychiatric rehabilitation services and to provide expertise in the development and implementation of the facility's psychiatric rehabilitation services program and individual resident assessment and care planning.
 - 2) All consultants providing services at the facility who are not physicians shall complete the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.
- h) An individual petitioning the Department for approval to continue acting as a PRSD or PRSC even if that person does not meet formal education requirements shall submit the following information to the Department:
- 1) Work history;

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- 2) Education since high school;
- 3) Employment references;
- 4) A statement that the person is working in a capacity similar to the position for which the individual is seeking recognition; and
- 5) Any other information that supports that the individual is capable of meeting the professional standards of the recognized position.

Within one year after approval is granted, the individual shall complete the training offered by IDPA for PRSC/PRSD, as applicable.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

**Section 300.6010 Comprehensive Assessments for Residents of Facilities Subject to
Subpart T**

- a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Psychiatric Rehabilitation Services Coordinator (PRSC); the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual; a psychiatrist; a social worker; an activity professional; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.
- b) The IDT shall identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the facility. The assessment shall be coordinated by a PRSC.
- c) A comprehensive assessment shall be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening

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assessment or assessments conducted to meet other requirements may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:

- 1) A psychiatric evaluation completed by a board certified or board eligible psychiatrist or by a person who is a certified psychiatric nurse, a nurse with a Bachelor of Science in Nursing (BSN) and two years of experience serving individuals with serious mental illness or a registered nurse with five years of experience serving individuals with serious mental illness, a licensed clinical social worker, a physician, a licensed psychologist, or a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] if countersigned by a board certified or board eligible psychiatrist. The psychiatric evaluation shall include:
 - A) Psychiatric history with present and previous psychiatric symptoms;
 - B) Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and
 - C) Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.
- 2) Psychosocial assessment performed by the Psychiatric Rehabilitation Services Director (PRSD), a social worker, an occupational therapist, or an LCPC or the Psychiatric Rehabilitation Services Coordinator (PRSC) if reviewed and countersigned by the PRSD, a social worker, or LCPC. The assessment shall cover the following points:
 - A) Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);
 - B) Reason for admission (including specific problems and how long

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- the problems have existed in their current state; contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility placement as articulated by referral source);
- C) History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);
 - D) Personal history (including current marital status; marital history including name, occupation, and age of current and previous spouses; name, age, sex and occupation of children, if any; and status of significant personal relationships with individuals (past and present); work history of individual, including all known past professions and/or jobs);
 - E) Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);
 - F) Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss, including where, when and effect on individual); and
 - G) Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).
- 3) A skills assessment performed by a social worker, occupational therapist, or PRSC or PRSD with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an assessment of the resident's levels of functioning, and recommendations for treatment and services, including but not limited to the following areas:

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- A) self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);
 - B) social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);
 - C) community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);
 - D) occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);
 - E) symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and
 - F) substance abuse management (including recovery, relapse prevention, and harm reduction).
- 4) Assessments and examinations required by Section 300.6047 of this Part.
 - 5) Discharge plan as required by Section 300.6060 of this Part.
 - 6) Other assessments recommended by the IDT or required elsewhere in this Subpart or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.
 - 7) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the PRSC or PRSD with each

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resident. The assessment shall include at a minimum:

- A) resident's identification of personal strengths, goals, needs, and resources;
 - B) skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;
 - C) resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.
- d) Based on the results of all assessments, the PRSD or PRSC shall develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed interests, expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident shall also be identified as one of the following levels:
- 1) Basic skills training and ~~supports~~ ~~support~~ with opportunities for community integration;
 - 2) Intensive skills training and supports with an increasing focus on community integration; or
 - 3) Advanced skills training ~~and supports~~ with active linkage and use of community services in preparation for expected discharge within six months.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T

- a) Psychiatric Medical Director
 - 1) The facility shall have a psychiatric medical director who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric

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medical director is responsible for advising the administrator and the Psychiatric Rehabilitation Services Director on the overall psychiatric management of the residents.

- 2) The psychiatric medical director shall be the medical director of the entire facility or only for the psychiatric rehabilitation program. If the psychiatric medical director is only responsible for the psychiatric rehabilitation program, there shall be communication linkages between the psychiatric medical director and the medical director.
 - 3) The psychiatric medical director shall be responsible for annually approving in writing the facility's written policies and procedures applicable to the psychiatric rehabilitation program.
 - 4) Each resident shall be under the care of a psychiatrist. All residents or residents' guardians shall be permitted their choice of psychiatrist.
 - 5) Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.
- b) Psychiatric Rehabilitation Services Director
- 1) A Psychiatric Rehabilitation Services Director (PRSD) shall be a licensed, registered, or certified psychiatrist, psychologist, social worker, occupational therapist, rehabilitation counselor, psychiatric nurse or licensed professional counselor and have a minimum of at least one year of supervisory experience and at least one year of experience working directly with persons with serioussevere mental illness.
 - 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Director on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual is not a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete the required training.

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- 3) Each facility shall have a full-time PRSD for the psychiatric rehabilitation program who is assigned responsibility for:
 - A) Developing and implementing the facility's psychiatric rehabilitation program;
 - B) Developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and
 - C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.
 - 4) The PRSD shall ensure that each resident's ITP is developed by an interdisciplinary team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.
 - 5) The PRSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.
 - 6) The PRSD shall ensure the availability of education and information for family members of residents.
- c) Psychiatric Rehabilitation Services Coordinator
- 1) A Psychiatric Rehabilitation Services Coordinator (PRSC) shall **be an occupational therapist or** possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.
 - 2) An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Coordinator on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in

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that role even if the individual does not possess a bachelor's degree in human services. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete required training.

- 3) Each resident admitted to the facility shall have a PRSC to act as a case manager. The PRSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.
 - 4) The responsibilities of the PRSC are:
 - A) To provide the resident with a stable therapeutic relationship;
 - B) To orient the resident to the facility;
 - C) To review and assist the resident in understanding the treatment plan and program schedule;
 - D) To prepare and assist the resident with active participation in the treatment plan review;
 - E) To provide the delivery of the psychiatric rehabilitation services;
 - F) To coordinate the delivery of the psychiatric rehabilitation services; and
 - G) To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.
 - 5) There shall be a PRSC for each 20 participants.
- d) Director of Nursing
- 1) A supervisory nursing position shall be established titled Director of Nursing (DON). The DON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week. This position shall not be included in the requirement for nursing staff coverage.
 - 2) The DON shall be a registered nurse, preferably with at least one year's

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clinical experience in a mental health setting or a master's degree in psychiatric nursing.

- 3) The DON, in consultation with the facility's medical director, shall be responsible for the development and implementation of the facility's overall medical policies and practices, including:
 - A) The administration, monitoring, and observation of resident medications;
 - B) The medication education, compliance and self-administration program;
 - C) The monitoring and coordination of residents' physical care, medical appointments, and diagnostic consultation;
 - D) The health education of residents; and
 - E) The supervision of the facility's nursing personnel.
- e) Assistant Director of Nursing
 - 1) An Assistant Director of Nursing (ADON) position shall be established in facilities of 300 beds or more. The ADON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week.
 - 2) The ADON shall be a licensed nurse, preferably with at least one year of experience working with the chronically mentally ill.
 - 3) In consultation with the DON, the ADON shall be responsible for the direct supervision, monitoring and implementation of the facility's medical policies and residents' health services.
- f) Nursing Staff
 - 1) Adequate nursing personnel shall be provided to meet the medication, education and health needs of residents, and not fewer than one nurse per 40 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one nurse to every 40 individuals being served).

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- 2) Facilities shall have at least one licensed nurse (licensed practical nurse or registered nurse) on duty at all times.
 - 3) Licensed practical nurses shall have successfully completed a pharmacology course or have at least one full year of full-time supervised experience in administering medications in a health care setting prior to employment.
- g) Psychiatric Rehabilitation Services Aide
- 1) Beginning January 1, 2003, sufficient psychiatric rehabilitation services aides (PRSAs) or persons who have successfully completed a psychiatric rehabilitation certificate program shall be on duty all hours of each day to provide services that meet the needs of the residents, and no fewer than one PRSA per 10 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one PRSA for every 10 individuals being served). Prior to January 1, 2003, if the facility does not employ PRSAs, the facility may employ certified nursing assistants (CNAs) if the following minimum training is provided within 30 days after the CNA's first day of employment:
 - A) Understanding the impact of serious mental illness;
 - B) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;
 - C) Confidentiality;
 - D) Preventive strategies for managing aggression and crisis intervention;
 - E) Goals and function of case management;
 - F) Appropriate verbal and physical interaction;
 - G) Communication skills between staff and resident; and
 - H) Basic psychiatric rehabilitation techniques and service delivery.

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- 2) *A facility shall not employ an individual as a PRSA unless the facility has inquired of the Department as to information in the Department's Nurse Aide Registry concerning the individual.* (Section 3-206.01 of the Act)
The Department shall advise the inquirer if the individual is on the Registry, if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)
- 3) The facility shall ensure that each PRSA complies with one of the following conditions:
 - A) Is approved on the Department's Nurse Aide Registry. "Approved" means that the PRSA has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.
 - B) Begins an approved Psychiatric Rehabilitation Services Aide Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The PRSA shall successfully complete the training program within 120 days after the date of initial employment. An aide enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed more than 120 days prior to successfully completing the program.
 - C) Within 120 days after initial employment, submits documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Nurse Aide Registry.
- 4) Each person employed by the facility as a PRSA shall meet each of the following requirements:
 - A) *Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy* (Section 3-206(a)(1) of the Act);
 - B) *Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents* (Section 3-206(a)(2) of the Act);

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- C) *Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as a PRSA (Section 3-206(a)(3) of the Act);*
- D) *Have completed at least eight years of grade school or provide proof of equivalent knowledge (Section 3-206(a)(4) of the Act).*
- 5) *The facility shall certify that each PRSA employed by the facility meets the requirements of this Section. The certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)*
- 6) During inspections of the facility, the Department may require PRSAs to demonstrate competency in the principles, techniques, and procedures covered by the basic PRSA training program curriculum described in the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395), when possible problems in the care provided by aides or other evidences of inadequate training are observed. The State approved manual skills evaluation testing format and forms will be used to determine competency of an aide when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the PRSA training principles and techniques relative to the procedures in which the aides are found to be deficient during inspection (see 77 Ill. Adm. Code 395).
- h) Registry of Certified Psychiatric Rehabilitation Services Aides
 - 1) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act.
 - 2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:

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- A) Documentation of current registration from another state as a PRSA.
 - B) Documentation of successful completion of a PRSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for PRSAs in the Long-Term Care Assistants and Aides Training Programs Code.
- i) An individual petitioning the Department to continue acting as a PRSD or a PRSC even if that person does not meet formal education requirements shall submit the following information to the Department:
- 1) Work history;
 - 2) Education since high school;
 - 3) Employment references;
 - 4) A statement that the person was working in a capacity similar to the position for which he/she is seeking recognition; and
 - 5) Any other information that supports that the person is capable of meeting the professional standards of the position.

Within one year after the petition is approved, the individual shall complete the training offered by IDPA for PRSC/PRSD, as applicable.

- j) Consultants
- 1) A facility may use consultants with advanced professional degrees who meet the same requirements as facility personnel under this Subpart to provide expertise in the development and implementation of the facility's psychiatric rehabilitation services program and individual resident assessment and care planning.
 - 2) All consultants providing services at the facility who are not physicians shall complete the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.

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(Source: Amended at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1286.10	Amendment
1286.20	Amendment
1286.70	Amendment
1286.80	Amendment
1286.90	Amendment
1286.100	Amendment
1286.110	Amendment
1286.130	Amendment
1286.150	Amendment
1286.170	Amendment
1286.200	Amendment
1286.210	Amendment
1286.220	Amendment
1286.230	Amendment
1286.240	Amendment
1286.250	Amendment
1286.260	New
1286.310	Amendment
1286.320	Amendment
1286.330	Amendment
1286.340	Repeal
1286.350	Repeal
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

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- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
- 6) Will these amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These rulemakings will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Mr. Keith Jensen
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Municipal police agencies are affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: Police departments are required to maintain records of breath alcohol tests performed. Police departments are also required to periodically check the accuracy of their PBTs.

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- C) Types of professional skills necessary for compliance: Individuals must obtain a license with respect to particular aspects of testing procedures.
- 13) Regulatory Agenda which this rulemaking was summarized: January 2003

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.80	Approved Evidentiary Instrument and Logbook Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

Section	
1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval

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1286.220	Checking Verifying Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for <u>Continued</u> Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
<u>1286.260</u>	<u>Operation of PBTs</u>

SUBPART D: SAMPLING PROCEDURES

Section	
1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Withdrawal of Blood <u>Collection</u> for <u>Determining the Presence</u> Chemical Analysis of Alcohol, <u>Other</u> Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of <u>Alcohol, Other</u> Drugs or Intoxicating Compounds Other than Alcohol
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

"Accredited Law Enforcement Training Academy" means a police training organization that is recognized by the Illinois Law Enforcement Training Standards Board and is accredited by CALEA.

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"Accuracy Check Record" means the data recorded in a logbook or stored in memory by a BAT when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, ~~test time~~, reference sample value, ~~BAT~~, and the readings of the two accuracy check tests.

"Agency" means a Municipal, Park District, County, State, ~~or~~ Federal law enforcement agency, or Circuit Court Probation Department involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol; (commonly referred to as grain alcohol), ethyl alcohol, alcoholic beverage, ~~or~~ alcoholic liquor, isopropopynol or methanol.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.

"Approved Evidentiary Instrument" means an instrument approved for use by the Department to obtain a BrAC pursuant to a breath test as described under Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a], Section 11-501 of the Illinois Vehicle Code [625 ILCS 5/11-501], Section 11-501.1 of the Illinois Vehicle Code [625 ILCS 5/11-501.1], Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2], Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8], and Sections that cross-reference Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2].

"Approved PBT" means an instrument approved for use by the Department either to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-16b], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b], and Sections that cross-reference Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100 milliliters of whole blood (Section 11-501.2(a)(5) of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)(5)]).

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"Breath Alcohol Concentration" or "BrAC" means *grams of alcohol per 210 liters of breath* (Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports, perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to conduct re-certification classes for BAOs and to administer that examination, to install, examine, certify, ~~verify~~, repair, maintain, check the accuracy of approved evidentiary instruments, and create accuracy check records and service records.

"Central Repository" means the collection and maintenance by the Department of business records, maintained by an agency in the normal course of business, of subject test records, accuracy check records, and service records.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.

"Director" means the Director of State Police.

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"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding a substance introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument that registers subject test records, accuracy check records, and service records.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, ~~or BAI~~, or PBT-E.

"Logbook" means a business record, maintained by the agency in the normal course of business, of subject test records, and accuracy check records, ~~and service records~~.

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate acting under the direction of a licensed physician, as a phlebotomist, regardless of job title.

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person ~~trained who uses venipuncture~~ to collect blood from another individual through venipuncture.

"Preliminary Breath Test Device" or "PBT" means a portable device used to

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quantitate a breath analysis reading.

"Preliminary Breath Test Examiner" or "PBT-E" means a BAO who is authorized by the Department to perform accuracy checks on preliminary breath test devices.

"Reference Sample" means either a solution for use in a breath simulator, commonly referred to as a wet bath simulator, or a dry gas mixture, commonly referred to as a dry gas evidential standard (DGES), for the purpose of instrument certification, ~~verification~~, accuracy checks, and/or calibration.

"Service Record" means the data recorded by a BAT or in the instrument when an approved evidentiary instrument is checked for accuracy~~verified~~. Service records will include at least the type of instrument, instrument serial number, date of service, time of service, service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records do not include information other than that which can be recorded in instrument memory or the central repository (i.e., a document such as a bill for repairs of an approved evidentiary instrument is not a service record).

"Subject Test Record" means the data recorded by a BAO in the logbook or printed out and stored by the instrument in memory when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, ~~test time~~, breath analysis reading, and BAO. Subject Test Records do not include information other than that which can be recorded in instrument memory or the central repository.

"Urine Alcohol Concentration" or "UAC" means *the number of grams of alcohol per 67 milliliters of urine* (Section 6-500(2)(C)(~~e~~) of the Illinois Vehicle Code [625 ILCS 5/6-500(2)(C)(~~e~~)).

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.20 Grievances

Aggrieved persons who wish to contest the Department's actions with respect to their BAO license, BAT authorization, PBT-E authorization, BAI accreditation, or laboratory certification

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shall follow general hearing procedures outlined in 20 Ill. Adm. Code 1200.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.70 Maintenance of Records for Approved Evidentiary Instruments

Subject test records, accuracy check records, and service records will be maintained for and/or by each approved evidentiary instrument.

- a) Subject test records and accuracy check records may~~must~~ be maintained in a logbook and/or the instrument's memory, ~~unless the agency has obtained written permission from the Department to maintain the records for a particular instrument in the instrument memory and/or the central repository.~~
- b) Logbook entries will be made in the logbook as contemporaneous as reasonably practicable to the time the procedure was performed.
- c) Service records will be maintained by the Alcohol and Substance Testing Section or may be maintained in the instrument's memory. Malfunctions that are not breakdowns (non-analytical failures such as battery expiration, incorrect time/date, printer problems, etc.) will not be documented.
- d) Only Permission to maintain records in instrument memory can only be obtained for instruments equipped with sufficient internal memory to store 100 subject test records and that can download stored information to the central repository may keep the test records in the memory of the instrument.
- e) All records removed from the internal memory of an instrument shall be erased and downloaded if possible and practicable, to the central repository.
- f) The central repository will maintain instrument records for not less than five years from the date downloaded.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.80 Approved Evidentiary Instrument and Logbook Availability

- a) All agencies shall have their approved evidentiary instruments available for examination by a BAT.

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- b) All agencies shall have the logbooks for their approved evidentiary instruments available for examination by a BAT.
- c) Agencies with portable evidentiary instruments may be required to transport the instrument to a specific location for its accuracy check.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.90 Reporting Laboratory Results

- a) Laboratories shall return the original analysis report of the blood or urine sample to the submitting agency only.
- b) Laboratories shall retain a duplicate copy of the analysis report in the testing laboratory for two years. ~~e) Laboratories shall submit to the Department all blood and/or urine test results for alcohol concentration or the presence of other drugs or intoxicating compounds along with the age and sex of the individuals on a quarterly basis. When practicable, results are to be submitted to the Department's Breath Alcohol Training Section in an electronic data transfer method approved by the Department.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS**Section 1286.100 Licensing BAOs**

The Director or his/her designee is authorized to license persons to be BAOs subject to the requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part.

- a) To be eligible to be a BAO, the individual must be employed by an agency or an accredited law enforcement training academy. BAO candidates, including those who have previously been licensed as a BAO in another state, must successfully attend the course and pass the written and proficiency examination or successfully complete a computer-based training (CBT) course.
- b) Under the direction and control of a BAI, BAO candidates must:

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- 1) Complete a training curriculum approved by the Department that includes a minimum of ~~2832~~ hours of instruction, which includes the following:
 - A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;
 - B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;
 - C) Practical application and demonstration in the use of an approved evidentiary instrument; and
 - D) Discussion of current DUI issues, the administrative rules, and case law.
- 2) Pass the following:
 - A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.
 - B) A proficiency examination where the candidate operates approved evidentiary instruments.
- c) A license shall be valid for a period of three years from the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall ~~expire terminate~~ three years from the printed date of issuance.
- d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions. ~~e) Persons licensed as BAOs on December 31, 2000 by the Department of Public Health will be deemed to be licensed under this Part until expiration of their Department of Public Health license.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.110 Renewal of BAO License

The Director or his/her designee is authorized to renew BAO licenses subject to the requirements of this Section. An individual with a renewed BAO license is a BAO. A renewed BAO license

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shall be subject to the same terms and conditions as an original BAO license.

- a) BAO license renewal candidates must either successfully attend the renewal course and pass the written renewal examination or successfully complete the computer-based training course.
 - 1) Under the direction and control of a BATBAI, BAO renewal candidates attending the renewal course must:
 - A) Complete a training curriculum approved by the Department that includes the following:
 - i) Review of theory and practice with an approved evidentiary instrument;
 - ii) Review of administrative rules as contained in this Part; and
 - iii) Review of current and related problems in the field.
 - B) Pass the following:
 - i) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent; and
 - ii) A proficiency examination where the candidate operates an approved evidentiary instrument.
 - 2) The computer-based BAO license renewal course will:
 - A) Review subject matter similar to the BAO classroom instruction;
 - B) Provide a practical examination that the BAO license renewal candidate must pass; and
 - C) Provide an objective examination that the BAO license renewal candidate must pass with a minimum score of 70 percent.
- b) A BAO license that has either been revoked or been expired for more than one

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year cannot be renewed. To become licensed again, the individual must complete the initial licensure course. Appeals from this decision may be pursued in accordance with Section 1286.20.

- c) The Department will designate sites and dates for renewal courses.
- d) Renewal courses will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions. ~~e) The renewal of a BAO license issued by the Department of Public Health will be conducted as if the Department of Public Health license was a BAO license issued under this Part.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.130 Authorization of BATs

The Director or his/her designee is authorized to ~~license~~authorize persons employed by the Department to be BATs subject to the requirements of this Section. BATs are authorized to perform all appropriate BAT functions described in this Part.

- a) BATs must be BAOs and meet all BAO licensing requirements.
- b) The candidate must display knowledge and understanding through specialized training in all of the following areas:
 - 1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
 - 2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;
 - 3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and
 - 4) Knowledge of current DUI issues, the administrative rules, and case law.
- c) Under the direction and control of the Director or his/her designee, BAT candidates must pass a proficiency examination for each approved evidentiary instrument.

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- d) A BAT's authorization period coincides with his or her BAO license term. The Director or his/her designee will evaluate the appropriateness of renewing the BAT authorization when the BAO license is renewed. Other than keeping their BAO license current, BATs are not required to retake the examination in subsection (c) of this Section to retain their authorization as a BAT.
- e) The Department will maintain a list of authorized BATs. ~~f) A person certified as a BAT by the Department of Public Health on December 31, 2000 is deemed authorized as a BAT under this Part until December 31, 2003 or until his or her BAO license expires, whichever is later.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.150 Accrediting BAIs

The Director or his/her designee is authorized to accredit persons to be BAIs subject to the requirements of this Section. BAIs are accredited to perform all appropriate BAI functions described in this Part.

- a) The BAIs must be BAOs and meet all BAO licensing requirements.
- b) The candidate must display knowledge and understanding through specialized training in all of the following areas:
- 1) Psychological, physiological, and pharmacological effects of alcohol in the human body;
 - 2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;
 - 3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and
 - 4) Knowledge of current DUI issues, the administrative rules, and case law.
- c) Under the direction and control of the Director or his/her designee, BAI candidates must pass the following:
- 1) The written breath analysis operator's examination with a minimum score of 100 percent;

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- 2) The written breath analysis instructor's examination with a minimum score of 90 percent; and
- 3) A proficiency examination for each approved evidentiary instrument.
- d) ~~A BAI's accreditation period coincides with his or her BAO license term.~~ The Director or his/her designee will evaluate the appropriateness of maintaining an individual's of renewing the BAI accreditation ~~when the BAO license is renewed.~~ Other than keeping their BAO license current, BAIs are not required to retake the examinations in subsection (c) to retain their accreditation.
- e) The Department will maintain a list of accredited BAIs. ~~f) A person certified as a BAI by the Department of Public Health on December 31, 2000 is deemed accredited as a BAI under this Part until December 31, 2003 or until his or her BAO license expires, whichever is later.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.170 Certification of Laboratories and Laboratory Technicians

The Director or his/her designee is authorized to certify laboratories and laboratory technicians subject to the requirements of this Section.

- a) Only laboratories that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has at least five years experience in the specialty of analytical chemistry may be deemed qualified to detect and/or quantitate alcohol and/or other drugs in human biological fluids will be certified by the Department. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:
 - 1) Prior to initial laboratory certification, and at least biannually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens by participation in a program of proficiency testing conducted by an agency or agencies approved by the Department.
 - A) The Laboratory Director will advise the Department of the proficiency testing program in which it is participating ~~and the~~

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~~program's standards and testing protocols. The Department will review the information and determine acceptability.~~

- B) The laboratory will direct the proficiency testing agency to forward a copy of the laboratory's testing results and evaluations to the Department after each testing cycle.
- 2) A candidate for certification under this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in this Section.
- b) Upon evidence that a laboratory has complied with this Section, a letter of certification listing those technicians certified to perform appropriate tests shall be issued, and such certification shall be valid for two calendar years. It may be renewed upon submission by the holder of the certification of evidence that the laboratory continues to perform analyses for alcohol concentration and/or other drug content on human biological fluids under the supervision of a person meeting the qualifications set forth in this Section and upon the Department's determination that the laboratory is complying with subsection (a)(1) of this Section. ~~e) Laboratories and technicians certified by the Department of Public Health on December 31, 2000 shall be deemed certified under this Part until December 31, 2001.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART C: EQUIPMENT

Section 1286.200 Equipment Approval and Accuracy

The procedures contained in this Subpart are the only procedures for establishing the accuracy of breath testing instruments. A rebuttable presumption exists that an instrument was accurate at the particular time a subject test was performed when the following four conditions are met.

- a) The instrument was approved under this Subpart at the time of the subject test.
- b) The performance of the instrument was within the accuracy tolerance described in this Subpart according to the last accuracy check or verification (whichever is later) prior to the subject test.
- c) No accuracy check has been performed subsequent to the subject test or the

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performance of the instrument on the next accuracy check after the subject test was within the accuracy tolerance described in this Subpart.

- d) Accuracy checks ~~or verifications~~ have been done in a timely manner, meaning:
- 1) Not more than 62 days have passed since the last accuracy check ~~or verification (whichever is later)~~ prior to the subject test; or
 - 2) The period of time between the last accuracy check ~~or verification (whichever is later)~~ prior to the next subject test, and the accuracy check after the subject test, is not more than 62 days.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and ~~or~~ display a breath analysis reading. Approved evidentiary instruments can print ~~and or~~ display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints ~~and or~~ displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve evidentiary instruments enumerated in NHTSA's list. The Department approves the following instruments for obtaining breath analysis readings:
 - 1) Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.
 - 2) Intoximeters EC-IR, ~~all models~~, manufactured by Intoximeters, Inc.
 - 3) RBT IV, in conjunction with a printer~~all models~~, manufactured by Intoximeters, Inc.
- b) Should an instrument in subsection (a) be removed from NHTSA's list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.
- c) The Department may temporarily approve additional evidential instrumentation from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved

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for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.220 ~~Checking-Verifying~~ Approved Evidentiary Instruments for Accuracy

The accuracy of all approved evidentiary instruments used to obtain a breath analysis reading from a subject shall be checked ~~verified~~ by a BAT.

- a) Accuracy checks are~~Verification is~~ required:
- 1) Prior to being placed in operation;
 - 2) After a breakdown has been repaired; and/or
 - 3) When an approved evidentiary instrument fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.
- b) Approved evidentiary instruments must quantitate the reference sample within plus or minus 0.01 BrAC to be certified accurate. Accuracy beyond the second digit to the right of the decimal point is not required.
- c) Approved evidentiary instruments shall be adjusted by a BAT when necessary to cause the instruments to quantitate the reference sample within plus or minus 0.01 BrAC.
- d) The accuracy check~~verification~~ results shall be recorded in the instrument's logbook or internal memory, or in the central repository. ~~e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed verified under this Part until the instrument breaks down or it fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy

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To ensure the continued accuracy of approved evidentiary instruments, a BAT or automated system shall perform accuracy checks.

- a) Checks shall be performed at least once every 62 days.
- b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.
- c) Approved evidentiary instruments must quantitate a reference sample within plus or minus 0.01 BrAC of the reference sample's value. Accuracy beyond the second digit to the right of the decimal point is not required.
- d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository. ~~e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed accurate under this Part until February 28, 2001.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

- a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:
 - 1) S-D2, manufactured by CMI, Inc.
 - 2) Alcosensor III, manufactured by Intoximeters, Inc.
 - 3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.
 - ~~4) Alcosensor IV, manufactured by Intoximeters, Inc.~~
 - 5) S-D5, manufactured by CMI, Inc.
- b) The Department may temporarily approve additional PBTs from NHTSA's list

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after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided above. PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.250 Checking Approved PBTs for Accuracy

PBTs shall be checked for accuracy by a ~~BAT technician~~ or an individual specially trained to perform PBT accuracy checks at least once every 93 days. To be accurate, the PBT must quantitate a reference sample within plus or minus 0.01 BrAC of the reference sample's value. Accuracy beyond the second digit to the right of the decimal point is not required.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.260 Operation of PBTs

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

- a) Each test shall be performed according to an operational procedure programmed into the instrument.
- b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.
 - 1) A complete and valid breath analysis reading is denoted by a least one air blank, one subject breath test reading, and no breakdown message.
 - 2) Messages such as "No Go", "Void", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.
- c) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.

(Source: Added at 28 Ill. Reg. _____, effective _____)

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SUBPART D: SAMPLING PROCEDURES

Section 1286.310 Approved Evidentiary Instrument Operation

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved evidentiary instrument:

- a) Prior to obtaining a breath analysis reading from a subject, the BAO or another agency employee shall continuously observe the subject for at least 20 minutes.
 - 1) During the 20 minute observation period the subject shall be deprived of alcohol and foreign substances and shall not have ~~regurgitated or~~ vomited.
 - 2) If the subject ~~regurgitates or~~ vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water.
 - 3) If the individual continues to ~~regurgitate or~~ vomit, alternate testing shall be considered.
- b) After starting the instrument's breath test sequence, the BAO will obey instrument prompts. When prompted by the instrument, the BAO shall direct the subject to blow into the instrument. The subject shall be directed to keep blowing into the instrument until he or she has submitted an adequate breath sample. Once an adequate breath sample is collected, the instrument shall complete the test cycle and print ~~and/or~~ display the breath analysis reading.
- c) A breath test shall consist of only one breath analysis reading, based on the instrument's internal operational calculations.
 - 1) A complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
 - 2) Messages such as "refusal", "insufficient sample", "inadequate sample", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete a requested test or tests.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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Section 1286.320 ~~Withdrawal of Blood Collection for Determining the Presence Chemical Analysis of Alcohol, Other~~ Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) *The blood sample shall be collected by a licensed physician ~~authorized to practice medicine, a~~ registered nurse, ~~a~~ trained phlebotomist acting under the direction of a licensed physician, or certified paramedic, ~~or other qualified person acting under the direction of a licensed physician~~ (Section 11-501.2(a) of the Illinois Vehicle Code).*
- c) A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds ~~Other than Alcohol~~

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UAC testing is not a preferred method of determining the amount of alcohol in a subject and the feasibility of other testing procedures should be explored before deciding UAC testing for alcohol concentration. Urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a subject to determine the presence of alcohol, other drugs or intoxicating compounds ~~other than alcohol~~:

- a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.
- b) A urine sample ~~may shall~~ be collected by in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.
- c) A urine sample of approximately 60 ml should be collected.
- d) Urine ~~The urine~~ sample shall be collected ~~from the subject's first emptying of the bladder~~ in a clean, dry ~~container~~ container.
- e) No preservatives shall be used. The containers shall be closed.
- f) The ~~containers~~ container shall be labeled with the name of the subject and the date of the collection.
- g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.
- h) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1286.340 Urine Collection for Determining the Concentration of Urine Alcohol
(Repealed)

~~UAC testing is not a preferred method of determining the amount of alcohol in a subject's system and the feasibility of other testing procedures should be explored before determining to conduct UAC testing. The following procedures shall be used to obtain a urine sample from a subject to determine UAC:~~

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- a) ~~A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.~~
- b) ~~A urine sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.~~
- c) ~~The subject shall empty his or her bladder, and the urine shall be discarded or used as a sample for Section 1286.330.~~
- d) ~~One-half hour later, the subject shall again be requested to empty the bladder, and the sample of about 60 ml shall be collected in a clean, dry container.~~
- e) ~~No preservative shall be included in the container. The container shall be closed.~~
- f) ~~The container shall be labeled with the name of the subject and the date of the collection.~~
- g) ~~The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.~~
- h) ~~The testing laboratory shall maintain any remaining sample for a period of six months after testing.~~

(Source: Repealed at 28 Ill. Reg. _____, effective _____)

Section 1286.350 Operation of PBTs (Repealed)

~~The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:~~

- a) ~~Each test shall be performed according to an operational procedure programed into the instrument.~~
- b) ~~A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.~~
- 1) ~~A complete and valid breath analysis reading is denoted by at least one air~~

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~~blank, one subject breath test reading, and no breakdown message.~~

2) ~~Messages such as "NoGO", "VOID", "400", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.~~

e) ~~A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.~~

(Source: Repealed at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
406.2	Amended
406.4	Amended
406.6	Amended
406.8	Amended
406.9	Amended
406.11	Amended
406.12	Amended
406.13	Amended
406.14	Amended
406.22	Amended
406.23	Amended
406.24	Amended
406.26	Amended
406.APPENDIX D	Amended
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5]
- 5) Effective Date of Amendments: December 15, 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 office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill Reg. 388 – 1/10/03
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

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In Section 406.2, the definitions of “day care capacity” and “extended capacity” were removed. The definition of “related” was added.

In Section 406.6, the wording “or connected through membership in the same family” was deleted from the requirement that joint licensee applicants must be related.

In Section 406.8, activated charcoal was added to the list of items in the first aid kit. The requirement of making available for inspection the storage of disassembled firearms and ammunition was deleted.

In Section 406.9, the date of November 15, 2003 was included as the effective starting date for the training for caring children with disabilities. The requirement that the training consist of 6 or more clock hours was added. Also added is the caregiver’s ability to apply up to 5 clock hours of in-service training toward the next year’s training when excess clock hours are obtained in a current year.

Section 406.11 was added in order to include the statement that the licensee shall document a substitute caregiver’s work time. A similar requirement was also added in Section 406.24, Records and Reports.

In Section 406.22, allowing a thin blanket around the crib mattress was added.

In Section 406.23, the age of an unrelated child who may not share a bedroom over night with children of the opposite sex was raised from 2 years to 4 years.

In Appendix D, the provider’s obligation under the federal Americans with Disabilities Act was added as an optional training topic. In addition, some of the wording of the training topics for caring for children with disabilities was changed.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 406 as follows:

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In Section 406.2, the definitions of “corporal punishment”, “preschool age”, “related” and “SACWIS” were added. In addition clarifications were made to the definitions of “CANTS”, “caregiver”, “family home”, “license capacity” and “premises”.

In Section 406.4, the requirement was added that at least 3 positive references and a written licensing study signed by the licensing supervisor be provided prior to recommending issuance of a license.

In Section 406.6, in paragraph (a), a clarification was added that when there are joint licensees, these applicants must be related and live in the home. The provision that no facility shall be licensed to provide care for more than 18 hours within a 24-hour period was also added.

In Section 406.8, as recommended by the Poison Control Center, activated charcoal and the new telephone number of the Poison Control Center were added to the list of items to be included in the first aid kit.

In Section 406.9, a recent amendment to the Child Care Act requiring that the licensee obtain training in providing care to children with disabilities was added in accordance with Public Act 92-0164. Additional requirements include:

- That the caregiver be a stable, law abiding, responsible mature individual;
- That the caregiver be present in the home when children are in attendance unless a qualified substitute caregiver is arranged;
- That corporal punishment is not to be used on children;
- That the caregiver be awake, alert, and be able to supervise when providing care;
- That applicants shall not provide false or misleading information regarding their compliance with applicable regulations; and
- Caregivers obtaining in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year’s requirements.

In Section 406.11, a requirement was added that substitute caregiver’s work time be documented.

In Section 406.12, the requirement that no child shall remain on the premises for more than 18 consecutive hours was clarified. In addition, a requirement was added that day care homes shall have a written policy explaining to the parents and guardians what actions the caregiver will take when children are not picked up at the agreed time.

Section 406.13 was rewritten for clarification.

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In Section 406.14, the requirement that children be immunized against chickenpox before admittance to a day care home was added to be consistent with Illinois Department of Public Health rules. The clarifications that hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water when washing children's hands, and the provision that children shall be supervised at all times and protected from exploitation, abuse or neglect were also added.

In Section 406.22, in order to reduce the risk of Sudden Infant Death Syndrome (SIDS) deaths, the option of putting infants on their side when these infants cannot turn over was removed, and the provision of removing soft bedding and other soft products from cribs when children are napping or sleeping was added.

In Section 406.23, provisions were added that unrelated children over 4 years may not share a bedroom with children of the opposite sex and that during night time care, the caregiver must sleep on the same floor where children sleep but within hearing distance of the children in care.

In Section 406.24, the acceptance of a signature on children's medical reports by an advanced practice nurse or physician assistant was added according to provisions in P.A. 92-703. Additional reporting requirements were added, such as when a child is missing from the day care home and when there is any change in the household composition. The Child Abuse/Neglect Hotline phone number for reported suspected incidents of abuse or neglect was also added, along with the requirement to keep a record of worked hours by substitute caregivers.

In Section 406.26, the provision that licensed providers are subject to periodic monitoring while the license is valid was added.

In Appendix D, the topics or courses on caring for children with disabilities and information about asthma were added as acceptable in-service training requirements.

- 16) Information and questions regarding these adopted amendments shall be directed to:
Sue Howell, Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
TDD: (217) 524-3715
(217) 524-1983
E-Mail: cfpolicy@idcfs.state.il.us

The full text of the adopted 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 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

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406.3	Effective Date of Standards (Repealed)
406.4	Application for License
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406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
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406.15	Discipline of Children
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406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home
406.APPENDIX D	<u>In-Service</u> In-service Training

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003.

Section 406.2 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.

"Adult" means any person who is 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the day care home.

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the day care home.

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"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the 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 Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, ~~8~~ eight or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who exhibit one or more of the following characteristics, confirmed by clinical evaluation:

- Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.
- Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing

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loss is exhibited that prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.

- Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.
- Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.
- Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.
- Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.
- Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12

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children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Family home" or "family residence" means the location or portion of a location where the applicant and his or her family reside, and may include basements and attics. It does not include other structures that are separate from the home but may be are considered part of the overall premises, such as adjacent apartments, unattached basements in multi-unit buildings, unattached garages, and other unattached buildings.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any surface that is not above or below the ground.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) ~~Child Abuse and Neglect Tracking System (CANTS)~~ and the Illinois Statewide Child-Sex Offender Registry.

"License" means a document issued by the Department that authorizes child care

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facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the number of children the Department has determined the day care home can care for at any one time in addition to any children living in the home who are under the age of 12 years. ~~means the maximum number of children receiving child care under age 12 permitted in the home at any one time.~~ Children age 12 and over on the premises are not considered in determining licensed ~~license~~-capacity.

"Licensing representative" means a person authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parents", as used in this Part, means those persons assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a ~~two~~-month period to allow the individuals to become eligible for a license.

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"Person" means any individual, group of persons, agency, association, or organization.

"Persons subject to background checks" means:

- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

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

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, basement and any other outbuildings.

"Preschool age" means children under 5 years of age and children 5 years old who do not attend full day kindergarten.

"Program" means all activities provided for the children during their hours of attendance in the day care home.

"Protected exit from a basement" means an exit that is separated from the remainder of the day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, sibling, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin. (Section 2.04 of the Child Care Act of 1969 [225 ILCS 10/2.04])

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"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).

"School age" means children from 6 to 12 years of age and 5 year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that may not be included in the measurements of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Supervising agency;" as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing ~~that which~~ exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach ~~Act and~~ Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" in depth in swimming pools that are designated primarily for children.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.4 Application for License

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- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) A complete application shall include:
- 1) a completed, signed and dated Application for Home License;
 - 2) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;
 - 3) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - ~~4) a completed, signed and dated Family Home Information form;~~
 - ~~45)~~ a completed, signed and dated Child Support Certification form; and
 - ~~56)~~ the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.
- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- d) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the licensee or agency seeks to reapply;

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- 2) When there is a change in the name of the licensee, the location of the day care home, or the supervising agency;
 - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
 - 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- e) ~~Written approval~~ Approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.6 Provisions Pertaining to the License

- a) The licensees shall be a primary caregiver or caregivers who reside in the family home and meet the requirements of this Part. If there are joint licensees, they must be related and both must live in the family home.
- b) A day care home license is valid for 3 ~~three~~ years unless revoked by the Department or voluntarily surrendered by the licensee.
- c) The number and age of children under age 12 cared for in the day care home at any one time shall be in compliance with provision in Section 406.13. not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 406.13(e), as long as the total number of children in the home under age 12 does not exceed 12 children.
- d) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 406.13(~~h~~f) in order to keep members of a sibling group together and the Department has approved the plan.
- e) Child care may be provided only in those areas specified on the license.
- f) The license is valid only for the family residence of the licensee and shall not be

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transferred to another person or other legal entity.

- g) The license shall not be valid for a name or location other than the name and location on the license.
- h) No day care home provider shall be licensed to provide care for more than 18 hours within a 24-hour period.
- ih) The license shall be prominently displayed in the home at all times.
- ji) There shall be no fee or charge for the license.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, syrup of ipecac, activated charcoal, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap. Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.
 - 2) The kitchen shall be equipped with a an-readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed*

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on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling. In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

B) ~~Further, in~~ *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.*

C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])*

- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 6) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) When the basement area may be used for child care, 2 exits shall be provided.

A) *At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows*

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unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.

- B)** A second exit may be a window.
- i)** The window shall be operable from the inside without the use of tools and provide that provides a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
- ii)** If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
- iii)** When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C)** If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 8) All walls and surfaces shall be free from chipped or peeling paint.
- 9) Walls of rooms that children use shall be maintained free of lead paint.
- 10) Furniture and equipment shall be kept in safe repair.
- 11) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.

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- 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*
- 14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 15) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children.* (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.
- 17) Exit doors shall be kept clear of equipment and debris at all times.
- 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 19) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-942-5969 or 1-800-222-1222) and other emergency numbers shall be posted in an area

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that is readily available in an emergency.

- 20) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 21) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 22) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 23) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 24) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
 - c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
 - d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.

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- e) Hot and cold running water shall be provided. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.

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- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, ~~basement~~ floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the ~~licensed license~~-capacity of the home exceeds 8 children, there shall be:
- 1) A minimum of 35 square feet of floor space per each child in care, and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*

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- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees ° unless one leg of the angle is horizontal or slopes downward.
 - E) No openings shall be between ¾ inch and one inch in size (to prevent finger entrapment).
 - 5) The use of a trampoline by children in care is prohibited.
 - 6) Children shall be closely supervised by the caregiver when ~~If~~ public parks or playgrounds are used for play, ~~the children shall be closely supervised by the caregiver~~ during play and while traveling to and from the area.
 - 7) Supervision shall be provided during outdoor play by caregivers who meet

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the requirements of Section 406.9 ~~below~~.

- l) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.9 Characteristics and Qualifications of the Day Care Family

- a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to ~~the~~ children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385 (Background Checks) and been cleared in accordance with the requirements of Part 385.
- b) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check have been received.
- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part.
- d) Day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable

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measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

- 1) death in the family of the person;
 - 2) serious illness of the person or illness in the person's immediate family; or
 - 3) weather or transportation emergencies.
- e) As a condition of licensure, each licensee or license applicant must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- f) If the licensees or license applicants acknowledge that they are more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensees or license applicants are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensees or license applicants arrange for payment of past due and current child support and pay child support in accordance with that agreement.
- g) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.
- h) The caregiver is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.
- i) The licensee shall be present in the home when day care children are in attendance unless a qualified substitute caregiver per Section 406.11 is present.
- ii) The licensee and other adult members of the household in contact with day care children shall be stable, law abiding, responsible, mature individuals.
- k) The caregivers in a day care home shall be at least 18 years of age.
- l) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable

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disease, and, in the case of caregivers, free of physical or mental conditions that could interfere with the child care responsibilities.

- mk) The licensee who is the primary caregiver shall be certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health.
- nt) During the hours of operation of the day care home, there shall be at least one person on the premises certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross or the American Heart Association, or other entity approved by the Illinois Department of Public Health. The caregivers shall have on file current certificates attesting to the training.
- o) The caregiver shall successfully complete a Department approved basic training course of 6 or more clock hours in providing care to children with disabilities. Refer to Appendix D for basic course requirements. The licensee shall have on file a certificate attesting to the successful completion of the training.

 - 1) Current license holders shall complete this training within 36 months from November 15, 2003.
 - 2) New licensee shall complete this training within 36 months from the issue date of the initial license.
 - 3) A licensee who has completed training prior to November 15, 2003 may have that training approved as meeting the provisions of this Section. A certificate of training completion and a description of the course content must be submitted to the Department for approval.
- p)m) Through interaction with the licensing representative, children, parents or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:

 - 1) Knowledge of basic hygiene, safety, and nutrition.
 - 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.

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- 3) The ability to communicate with children.
 - 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.
 - 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.
 - 6) Using developmentally appropriate behavior management techniques that do not constitute corporal punishment of children.
- q)n) The caregivers may not work or be employed outside the home during the hours that child care is being provided. Outside employment during hours that child care is not being provided shall not interfere with child care.
- r) The caregiver shall be awake, alert, and able to supervise the children when providing care.
- se) The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix D.
- 1) Such training may be derived from programs offered by any of the entities identified in Appendix D.
 - 2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix D.
 - 3) The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.
 - 4) Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.
- t) Licenses or applicants shall not provide false or misleading information regarding their compliance with the applicable regulations.

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(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.11 Substitutes

- a) A substitute caregiver may be used in the home up to 25 child care hours per month and for an additional period of up to 2 ~~two~~ weeks in a 12 month period. The supervising agency may approve additional time for family emergencies, medical reasons, and continuing education, when the substitute to be used during these periods meets the qualifications for the caregiver in Section 406.9. The substitute caregiver's work time shall be documented.
- b) A substitute caregiver shall be at least 18 years of age.
- c) A person who functions as a substitute caregiver on a regular or scheduled basis shall be qualified as a caregiver in accordance with Section 406.9.
- d) The ~~parents~~ parent(s) of children in care and the supervising agency shall be notified of any substitution which occurs on a regular or scheduled basis or wherein the caregiver is absent from the home for more than 24 consecutive hours during which children are in care.
- e) The caregiver shall have on file the names, addresses, and telephone numbers of additional ~~adults~~ adult(s) who would be available to assist in the home in an emergency.
- f) The caregiver shall have a plan worked out and understood by the parents in case the caregiver is ill or absent from the home due to an emergency.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.12 Admission and Discharge Procedures

- a) ~~No child~~ Children served in a day care home shall ~~not~~ remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's work or training schedule, at ~~At~~ no time shall children cared for in a day care facility remain on the premises for more than 18 ~~24~~ consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the

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caregiver and with the service to be provided. No child under ~~6 six~~ years of age may be admitted to the day care home unless the health examination, complete with lead risk assessment, if the child resides in an area defined as low risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.

- c) The ~~parents parent(s)~~ or guardian shall be permitted to visit the home, without prior notice, during the hours their ~~children child(ren) is/are~~ in care.
- d) A child shall be discharged from the facility only to the child's ~~parents parent(s)~~ or guardian or to a person designated in writing by the ~~parents parent(s)~~ or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the ~~parents parent(s)~~ or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the ~~parents parent(s)~~, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the ~~parents parent(s)~~ or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the ~~parents parent(s)~~ or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the ~~parents parent(s)~~ or guardian. ~~The Such~~ authorization shall include the time that the child is to be released and the means of transportation the child is to use.

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- h) All day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian, in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:
- 1) The consequences of not picking up the child on time, including:
 - A) Amount of late fee, if any, and when those fees begin to accrue;
 - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
 - C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
 - 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
 - 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.
 - 4) A reminder to the day care provider that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never the child.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.13 Number and Ages of Children Served

- a) The maximum number of children under the age of 12 cared for in a day care home by a caregiver alone shall be 8. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. a)The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own

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~~children, related children, and unrelated children.~~

- b) A caregiver alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 5 children may be under the age of 5, of which
 - C) Up to 3 children may be under 24 months of age.
 - 2) A mixed age group consisting of:
 - A) Up to 8 children under the age of 12, of which
 - B) Up to 6 children may be under the age of 5, of which
 - C) Up to 2 children may be under 30 months of age.
 - 3) A school age group consisting of 8 school age children, as defined in Section 406.2.
- c) A caregiver and an assistant under age 18 may care for:
- 1) One of the groupings in subsection (b) and 4 additional children who are attending school full-time; or
 - 2) A total of 8 children under 5 years of age of which up to 5 children may be under 24 months of age.
- Care provided for the additional before and after school children is limited to children who attend school full-time and it is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.
- d)e) A caregiver and an assistant 18 years of age or older may care for:
- 1) The groupings in subsection (b), and 4 additional children who are attending school full-time; or
 - 2) Eight children under 5 years of age of which up to 5 children may be

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under 24 months of age, and 4 additional children who are attending school full-time.

- Care provided for the additional before and after school children is limited to children who attend school full-time and it is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.
- e) The maximum number of children receiving night care shall be 8 children and the groupings shall be consistent with subsections (b) and (c) of this Section.~~In addition to the children who may receive child care in accordance with subsection (b) above, a caregiver may accept 4 additional children who are attending school full time if a before and/or after school assistant is employed. Care provided for children who attend school full time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present and there are more than 8 children in the home. d)A caregiver and an assistant may care for a total of 8 children under 5 years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full time may be accepted for care only if the assistant is age 18 or over. The total number of children under the age of 12 in the home shall not exceed the maximum of 12 children. Care provided for children who attend school full time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer.~~
- f) Any children under age 12 living in the home who are receiving home schooling shall be counted in the maximum of 8 children in subsections (b), (c), and (d), unless another parent or caregiver is providing the schooling apart from the day care area and the caregiver has no responsibility for care or supervision or schooling of the children during the hours home day care is provided.
- g)e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- h)f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:

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- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
- 2) At least one of the siblings has been in care for 30 days or more; and
- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.14 Health, ~~and~~ Medical Care and Safety

- a) The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.
- b) Children with diarrhea and those with a rash combined with fever (oral temperature of 101 degrees Fahrenheit or higher or under the arm temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- c) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
 - 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] provided copies of the exam are on file at the facility.
 - 2) If the child is in a high risk group, as determined by the examining physician~~Unless the examining physician has made a determination that it is unnecessary~~, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for

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children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when the children in high-risk groups begin elementary and secondary school, ~~unless the examining physician makes a determination that the test is unnecessary.~~

- 3) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.
 - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, ~~and~~ haemophilus ~~influenzae~~ influenzae B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.
 - 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
 - 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.
 - e) Necessary medications shall be administered according to specific written instructions provided by the child's parents or guardians.

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- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
- 2) Non-prescription medication may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.
- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
- 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.
- 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- h) Personal hygiene standards, such as the following, shall be observed:

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- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
- 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen, with individual bedding, shall be provided for each child who naps or sleeps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
- 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
- 4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall always supervise children's handwashing to ensure that children are not scalded by hot water.
- 5) Open cuts, sores or lesions on caregivers or children shall be covered.
- 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- i) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered children;

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- 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- j) There shall be an emergency plan for each child in case of accident or sudden illness.
- 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11; must assume supervision of other children in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.
- k) Children shall be supervised at all times. All children in the home shall be protected from exploitation, neglect, and abuse.**

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.22 Children Under 30 Months of Age

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or other hazardous areas without the caregiver or assistant present.
- b) To minimize the risk of Sudden Infant Death Syndrome, children shall be placed on their backs when put down to sleep unless contraindicated by a physician.**

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Children shall not be placed on their abdomens, unless specifically instructed in writing by the child's physician to do so.

- cb) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
- 1) The caregiver shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
 - 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
 - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
 - 4) The caregiver shall frequently change the place, position, and toys available for children who cannot move about the room.
 - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parent and caregiver in accordance with the child's age and/or stage of development.
 - 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parent or physician.
- de) Feeding schedules and procedures shall meet the developmental needs of the children.
- 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing. ~~2) To reduce the incidence of sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided, unless specifically instructed by the child's physician to do so.~~
 - 23) Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own non-glass bottles, they may feed themselves without

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being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.

- 34) Bottles shall never be warmed or defrosted in a microwave oven. |
- 45) Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so. |
- 56) Safe finger foods such as those that dissolve in the mouth may be provided. |
- ed) Proper standards of hygiene shall be observed in the home. |
 - 1) Hands shall be washed with soap and running water and dried before the feeding of each child. |
 - 2) Formula ~~If the child's formula is~~ brought in by the parent, ~~it~~ shall be labeled and placed in the refrigerator. |
 - 3) All utensils shall be washed after each use.
 - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.
 - 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
 - 6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable gloves shall be worn when changing a child who has watery or bloody stools.
 - 7) The child whose diaper is being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.

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- 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected after each use, or on a disposable paper sheet that is disposed of after each diapering.
 - 9) The toilet seat, if soiled, or potty shall be cleaned after every use.
 - 10) Soiled diapers shall be changed promptly.
 - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely 2 times per week.
 - 12) All beds shall be wiped clean as often as necessary.
 - 13) Toys and equipment shall be kept clean.
- fe)** A germicidal solution of ¼ cup household chlorine bleach to one gallon of water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- gf)** The equipment must be appropriate to the developmental needs of the children in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for children 15 months of age and over.
 - 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
 - 3) There shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Soft bedding, bumpers, pillow, quilt, comforters, sheepskins, stuffed toys and other soft products shall be removed from the crib when children are napping or sleeping. If using a blanket, put the child with feet at the foot of crib. Tuck a thin blanket around the crib mattress, reaching only as far as the child's chest.

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- ~~54~~) Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
- ~~65~~) Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
- ~~76~~) A toilet seat or potty shall be provided.
- ~~hg~~) The materials must be appropriate to the developmental needs of the child in care.
- 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
 - 2) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
 - 3) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
 - 4) Mobile walkers are prohibited. Stationary ~~exercisers~~ ~~walkers~~ may be used.
- ~~ih~~) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.23 Night Care

- a) A day care home receiving children for night care shall comply with the standards prescribed for day care homes in addition to the special requirements prescribed in this Section.
- b) A child ~~is shall be~~ considered ~~to be~~ enrolled in evening and/or night care when a majority of his or her time at the day care home occurs between 6:00 p.m. and 6:00 a.m.

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- c) The child shall be bathed, if needed.
- d) No child under 5 years of age is to be left unattended while in the bathtub.
- e) Each child must have individual sleeping garments that are clean and comfortable.
- f) An individual bed, crib, or cot and individual linen and bedding shall be provided for each child except as provided in this subsection (f):
 - 1) A double bed shall be the minimum size for sleeping 2 non-enuretic children of the same sex.
 - 2) Rubber sheets or suitable substitutes shall be supplied when necessary.
 - 3) If a crib is used there shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Unrelated children over 4 years of age may not share a bedroom over night with children of the opposite sex.
- g) Caregivers and children receiving night care shall sleep on the same floor (level) of the residence.
- h) If the day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep on the same floor (level) of the residence and the children's bedrooms are within hearing distance of the caregiver's bedroom to provide for the needs of the children and to respond immediately in an emergency.
- ih) A basement area may be used for sleeping or napping if it has been approved in accordance with Section 406.8(a)(7).
- ji) A room above the first floor may be used for sleeping or napping if the room has 2 exits with one exit leading directly to the outside with means to safely reach the ground level.
- kj) There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.

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- ~~lk~~) A child who goes to school from a day care home providing night care shall be clean and properly dressed according to the weather.
- ~~ml~~) Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.
- ~~nm~~) Health care routines at bedtime and/or upon rising shall include:
- 1) Brushing teeth at bedtime and upon rising.
 - 2) Brushing or combing the hair upon rising.
 - 3) Establishing a routine for toileting at bedtime and upon rising.
- ~~on~~) When possible, children shall be left for care and picked up either before or after their normal sleeping period so that there is minimum disturbance of the children during sleep.
- ~~pe~~) The day care home shall serve meals and snacks that supplement food served at home as prescribed in Section 406.17.
- 1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten.
 - 2) A bedtime snack shall be served, unless contraindicated by parents or physician in accordance with Section 406.17(c).
 - 3) Children who remain overnight and go to school directly from the day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.24 Records and Reports

- a) Records as required shall be maintained on forms supplied by the Department.
- b) Information about the child and family shall be confidential as required by Section 406.25.

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- c) There shall be a record of identifying information on each child received at the time the child is accepted into the home.
- d) A medical report for each child, on forms provided by the Department, shall be maintained at the facility, dated no earlier than 6 months prior to enrollment, and signed by the examining physician, an advanced 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; or certified by a recognized health facility.
- 1) The medical report shall be valid for 2 ~~two~~ years except that subsequent exams for school age children shall be in accordance with the Illinois School Code requirements, provided that copies of the exam are on file at the facility.
 - 2) If a child is in a high risk group, as determined by the examining physician~~Unless the examining physician has made a determination that it is unnecessary~~, a tuberculin test shall be included in the initial exam and when the child enters elementary and secondary school.
 - 3) The reports shall indicate that the child has been immunized as required by Rules and Regulations of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, ~~and~~ haemophilus influenza influenzae-B, and varicella (chickenpox) or provide proof of immunity accordance to requirements in 77 Ill. Adm. Code 695.50 of the Department of Public Health.
 - 4) The report shall include a statement on any physical limitations.
 - 5) Exceptions made for children who for medical reasons should not be subjected to immunizations or a tuberculin test shall be so indicated by the physician on the child's medical form.
- e) There shall be signed consent forms from the parent or guardian including:
- 1) Permission for emergency medical care and treatment if the parent is not readily available.

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- 2) Permission to administer medication, if applicable.
 - 3) Permission for someone other than parent or guardian to pick up child if necessary.
 - 4) Visits, trips or excursions off the premises.
 - 5) Transportation provided by caregiver and caregiver assistant, if applicable.
 - 6) Permission to use the facility's swimming pool, if applicable.
- f) The caregiver shall distribute a summary of the licensing standards, provided by the Department, to the parents or guardian of each child at the time that the child is accepted for care in the home. In addition, consumer information materials provided by the Department, including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the parents or guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's parents or guardian, indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.
- g) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for ~~such~~-waiver shall be in writing, signed by the parent, and kept in the child's record.
- h) Members of the household, regular substitutes, and assistants shall have a complete physical examination. The medical reports shall be submitted on forms provided by the Department.
- 1) The report shall be based on an examination that occurred no earlier than 6 months prior to application, with a tuberculin test to be included in the initial exam only. If the skin test is positive, a chest x-ray is required.
 - 2) Immunizations and the tuberculin test for an infant shall be given at the discretion of the physician.
 - 3) The caregivers and assistants shall be found free of communicable

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diseases and shall be physically and emotionally fit to care for young children.

- i) The medical report for caregivers, regular substitutes, and assistants shall be valid for 3 years.
- j) Evidence of freedom from communicable disease or illness may be required at any time for members of the household, regular substitutes and assistants.
- k) Suspected child abuse and/or neglect shall be reported immediately to the ~~Department in accordance with the Abuse and Neglected Child Reporting Act [325 ILCS 5].~~ Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873.
- l) The licensee and each staff person shall sign a statement prescribed by the Department acknowledging his or her status as a mandated reporter of child abuse or neglect under the Abused and Neglected Child Reporting Act and acknowledging he or she has knowledge and understanding of the reporting requirements under that Act. ~~The Such~~ statement shall be signed and dated by the staff person prior to employment, and shall be maintained by the licensee.
- m) The supervising agency shall be notified immediately by telephone, and in writing within one week, if any ~~either~~ of the following situations involving children occurs at the facility:
 - 1) Accident or injury resulting in death or requiring emergency medical care;
~~or~~
 - 2) A child is missing from the day care home; or
 - 32) Notice is received of legal action against the facility.
- n) The facility shall promptly report any known or suspected case or carrier of communicable disease to the supervising agency and to local health authorities, and shall comply with the Illinois Department of Public Health's rules for the Control of Communicable Diseases (77 Ill. Adm. Code 690).
- o) The supervising agency shall be notified immediately by telephone, and in writing within one week, of fires or other incidents resulting in structural damage to the

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day care home. A supervisory visit will be conducted by the supervising agency to determine the safety of the licensed premises in conformance with the other provisions of this Part.

- p) The licensee shall notify the supervising agency within one week, in writing, of any changes to the household composition. Changes that require notification include the addition of any new person into the home, the return of any former household member, or the departure of any household member.
- q) The licensee shall keep a record of dates and hours worked by the substitute caregiver while the licensee is absent from the day care home per Section 406.11(a).

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 406.26 Cooperation with the Department

- a) Authorized representatives of the supervising agency or the Department shall be admitted to the facility during the facility's hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.
- b) Licensed providers are subject to periodic monitoring as long as the license is valid, whether or not child care is actually being provided.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

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Section 406.APPENDIX D In-Service Training

- a) Entities that may provide in-service training to meet the requirements of Section 406.9(~~s~~) include, but are not limited to:
- 1) colleges and universities
 - 2) child care resource and referral agencies
 - 3) Illinois Department of Public Health or local health departments
 - 4) Office of the State Fire Marshal or local fire department
 - 5) Illinois Department of Children and Family Services
 - 6) Illinois Department of Human Services
 - 7) state or national child care or child advocacy organizations
 - 8) national, state or local family day care home associations
 - 9) Child and Adult Care Food Program sponsors
 - 10) Healthy Child Care Illinois nurses
 - 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health
- b) Topics or courses to meet the in-service training requirements include, but are not limited to:
- 1) child care and child development
 - 2) guidance and discipline
 - 3) first aid and CPR
 - 4) symptoms of common childhood illness

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- 5) food preparation and nutrition
 - 6) health and sanitation
 - 7) small business management
 - 8) child abuse and neglect
 - 9) working with parents and families
 - 10) caring for children with disabilities
 - 11) information about asthma and its management
 - 12) SIDS education
 - 13) service obligations under the federal Americans with Disabilities Act (ADA)
- c) In-service training may be acquired through the following:
- 1) attending college or university or vocational school classes (~~Clock~~ clock hours spent in the classroom are counted.)
 - 2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)
 - 3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hour is required.)
 - 4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)
 - 5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)
 - 6) internet home study programs if the internet site provides documentation

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of use and number of clock hours

The training instructor, speaker or president of the child care organization sponsoring the training may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.

- d) Licensed providers shall complete 15 ~~meet the following~~ clock hours of hour ~~requirements for~~ in-service training per calendar year. Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.

~~7 Hrs. 30 Min.~~

~~Calendar year 2001~~

~~Calendar year 2002~~

~~12 Hrs.~~

~~Calendar Year 2003~~

~~15 Hrs.~~

~~and thereafter~~

- e) For newly licensed providers, required annual in-service training hours are prorated based on the month of the effective date of license.

- ~~1) For newly licensed providers in 2001~~

~~Training Hours Required~~

~~Month of License~~

~~April~~

~~7 Hrs. 30 Min.~~

~~May~~

~~6 Hrs. 45 Min.~~

~~June~~

~~6 Hrs.~~

~~July~~

~~5 Hrs.~~

~~August~~

~~4 Hrs. 15 Min.~~

~~September~~

~~3 Hrs. 15 Min.~~

~~October~~

~~2 Hrs. 30 Min.~~

~~November~~

~~1 Hr. 45 Min.~~

~~December~~

~~1 Hr.~~

- ~~2) For newly licensed providers in 2002~~

~~Training Hours Required~~

~~Month of License~~

~~January~~

~~12 Hrs.~~

~~February~~

~~11 Hrs.~~

~~March~~

~~10 Hrs.~~

~~April~~

~~9 Hrs.~~

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May	8 Hrs.
June	7 Hrs.
July	6 Hrs.
August	5 Hrs.
September	4 Hrs.
October	3 Hrs.
November	2 Hrs.
December	1 Hr.

3) For newly licensed providers in 2003 and thereafter

Month of License	Training Hours Required
January	15 Hrs.
February	13 Hrs. 45 Min.
March	12 Hrs. 30 Min.
April	11 Hrs. 15 Min.
May	10 Hrs.
June	8 Hrs. 45 Min.
July	7 Hrs. 30 Min.
August	6 Hrs. 15 Min.
September	5 Hrs.
October	3 Hrs. 45 Min.
November	1 Hr. 30 Min.
December	1 Hr. 15 Min.

f) Courses/training approved by the Department in caring for children with disabilities must include the following components:

- Introduction to Inclusive Child Care
- Understanding Child Development in Relation to Disabilities
- Building Relationships with Families
- Preparing for and Including Young Children in the Child Care Setting
- Community Services for Young Children with Disabilities (including Early Intervention services)

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(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 408
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
408.5	Amended
408.10	Amended
408.20	Amended
408.30	Amended
408.35	Amended
408.45	Amended
408.55	Amended
408.60	Amended
408.65	Amended
408.70	Amended
408.105	Amended
408.115	Amended
408.120	Amended
408.130	Amended
408.Appendix G	Amended
408.Appendix H	Add
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Amendments: December 15, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any 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: 27 Ill Reg. 1006 – 1/24/03
- 10) Has JCAR issued a Statement of Objection to these amendments? No

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- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Section 408.5, the proposed text in the definition of “caregiver” was deleted.

In Section 408.20, the optional requirement of being related by marriage was added when two persons who reside in the home apply for licensure.

In Section 408.30, activated charcoal was added to the list of items in the first aid kit. The requirement of making available for inspection the storage of disassembled firearms and ammunition was deleted.

In Section 408.35, the date of November 15, 2003 was included as the effective starting date for the training for caring for children with disabilities. The requirement that the training consist of 6 or more clock hours was added. Also added is the caregiver’s ability to apply up to 5 clock hours of in-service training toward the next year’s training when excess clock hours are obtained in a current year.

Section 408.55 was added in order to include the statement that the licensee shall document a substitute caregiver’s work time. A similar requirement was also added in Section 408.120, Records and Reports.

In Section 408.60, the statement regarding the parent’s work or training schedule was added to the requirement that children shall not remain in the facility for more than 18 consecutive hours.

In Section 408.65, the maximum number of children receiving night care was added.

In Section 408.105, allowing a thin blanket around the crib mattress was added.

In Section 408.115, the age of an unrelated child who may not share a bedroom over night with children of the opposite sex was raised from 2 years to 4 years.

In Appendix G, the provider’s obligation under the federal Americans with Disabilities Act was added as an optional training topic. In addition, some of the wording of the training topics for caring for children with disabilities was changed.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 408 as follows:

In Section 408.5, the definitions of “corporal punishment”, “extended capacity”, “preschool age”, and “SACWIS” were added. In addition, clarifications were made to the definitions of “CANTS”, “family home”, and “premises”.

In Section 408.10, the requirement was added that at least 3 positive references and a written licensing study signed by the licensing supervisor be provided prior to recommending issuance of a license.

In Section 408.20, the provision that no facility shall be licensed to provide care for more than 18 hours within a 24-hour period was added.

In Section 408.30, as recommended by the Poison Control Center, activated charcoal and the new telephone number of the Poison Control Center were added to the list of items to be included in the first aid kit.

In Section 408.35, a requirement that the primary caregiver obtain training in providing care to children with disabilities was added in accordance with Public Act 92-0164.

Additional requirements include:

That the caregiver be present in the home when children are in attendance unless a qualified substitute caregiver is arranged;

That the caregiver be a stable, law abiding, responsible mature individual; and

Caregivers obtaining in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year’s requirements.

In Section 408.45, the requirements that corporal punishment is not to be used on children; that outside employment during hours that child care is not being provided shall not interfere with child care; and that the caregiver be awake, alert and able to supervise were added.

Section 408.55 was added in order to include the statement that the licensee shall document a substitute caregiver’s work time. A similar requirement was also added in Section 408.120, Records and Reports.

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In Section 408.60, the requirement that no child shall remain on the premises for more than 18 consecutive hours was clarified. In addition, a requirement was added that group day care homes shall have a written policy explaining to the parents and guardians what actions the caregiver will take when children are not picked up at the agreed time.

Section 408.65 was rewritten for clarification. No substantive changes were made.

In Section 408.70, the requirement that children be immunized against chickenpox before admittance to a group day care home was added to be consistent with Illinois Department of Public Health rules. The clarifications that hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water when washing children's hands and the provision that children shall be supervised at all times and protected from exploitation, abuse or neglect were also added.

In Section 408.105, in order to minimize the risk of Sudden Infant Death Syndrome (SIDS) deaths, the option of putting infants on their side when these infants cannot turn over was removed and the provision of removing soft bedding and other soft products from cribs when children are napping or sleeping was added.

In Section 408.115, the provisions were added that unrelated children over 4 years may not share a bedroom with children of the opposite sex and that during night time care, the caregiver must sleep on the same floor where children sleep and be within hearing distance of the children in care.

In Section 408.120, the acceptance of a signature on children's medical reports by an advanced practice nurse or physician assistant was added according to provisions in Public Act 92-703. Additional reporting requirements were added, such as when a child is missing from the group day care home and when there is any change in the household composition.

In Section 408.130, the provision that licensed providers are subject to periodic monitoring while the license is valid was added.

In Appendix G, the topics or courses on caring for children with disabilities and information about asthma were added as acceptable in-service training requirements.

Appendix H was added to provide a summary view in chart form of the number and ages of children who can be served in a group day care home.

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

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Sue Howell
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

The full text of the adopted 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 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes <u>Substitute(s)</u>
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, and Medical Care <u>and Safety</u>
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs

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- 408.APPENDIX D Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F Early Childhood Teacher Credentialing Programs
408.APPENDIX G In-Service ~~In-service~~ Training
408.APPENDIX H Chart of Number and Ages of Children Served

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003.

Section 408.5 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.

"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Adult" means a person who is 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the group day care home.

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"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the group day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the 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 Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, ~~eight~~ or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who exhibit one or more of the

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following characteristics, confirmed by clinical evaluation:

- Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.
- Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.
- Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.
- Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.
- Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.
- Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.
- Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient,

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fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart of water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Extended capacity" means an addition of 4 school age children who may be accepted in accordance with 408.65(c). This allows the maximum capacity in a group day care home to reach 16.

"Family home" or "family residence" means the location or portion of a location where the applicant and his or her family reside, and may include basements and attics. It does not include other structures that are separate from the home but are may be considered part of the overall premises, such as adjacent apartments, unattached basements in multi-unit buildings, unattached garages, and other unattached buildings.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface that is not above or below the ground.

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

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"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the [Statewide Automated Child Welfare Information System \(SACWIS\)](#) ~~Child Abuse and Neglect Tracking System~~ and the [Illinois Statewide Child](#) Sex Offender Registry.

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

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [\[225 ILCS 10/4.4\]](#))

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the ~~maximum~~ number of children [the Department has determined the group day care home can care for at any one time, in addition to any children living in the home who are receiving child care](#) under [the age of 12 years](#) ~~permitted in the group day care home at any one time~~. Children age 12 and over on the premises are not considered in determining [licensed](#) ~~license~~ capacity.

"Licensing representative" means a person authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [\[625 ILCS 5/6-601\]](#).)

"Parents", as used in this Part, means those persons assuming legal responsibility

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for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a ~~6~~six-month period to allow the individuals to become eligible for a license.

"Persons subject to background checks" means:

- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

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

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, basement and any other outbuildings.

"Preschool age" means children under 5 years of age and children 5 years old who do not attend full day kindergarten.

"Program" means all activities provided for the children during their hours of attendance in the group day care home.

"Protected exit from a basement" means an exit that is separated from the remainder of the group day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

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"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children with special needs.

"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).

"School age" means children 6 to 12 years of age and 5 year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" in depth in swimming pools that are designated primarily for children.

(Source: Amended at 27 Ill. Reg. 19232, effective December 15, 2003)

Section 408.10 Application For License

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- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) A complete application shall include:
- 1) a completed, signed and dated Application for Home License;
 - 2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
 - 3) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
 - 4) ~~a completed, signed and dated Family Home Information form;~~
 - 4)5) a completed, signed and dated Child Support Certification form;
 - 5)6) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); and
 - 6)7) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, ~~nor living in the household~~, who can attest to their character and suitability to provide child care.
- c) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study ~~in order~~ to determine ~~if that~~ the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request~~license study upon written request and payment of copying costs.~~
- d) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the applicant

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or licensee seeks to reapply;

- 2) When there is a change in the name of the licensee or the location of the group day care home;
 - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
 - 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- e) Written approval ~~Approval~~ of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.20 Provisions Pertaining to the License

- a) The licensees ~~licensee(s)~~ shall be a primary caregiver or caregivers who reside in the family home and meet the requirements of this Part. Further, the licensees ~~licensee(s)~~ shall be an individual, a man and woman married to each other or two persons related by blood, marriage, or adoption who reside in the family home.
- b) A group day care home license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.
- c) The number and ages of children under age 12 cared for in the group day care home at any one time shall be in compliance with provisions in Section 408.65 ~~not exceed the license capacity. However, the caregiver may accept one additional school-age child in accordance with Section 408.65(f), as long as the total number of children in the home under age 12 does not exceed 16 children.~~
- d) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 408.65(e) ~~408.65(g)~~ in order to keep members of a sibling group together, and the Department has approved the plan.

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- e) Child care may be provided only in those areas specified on the license.
- f) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.
- g) The license shall not be valid for a name or an address other than the name and address on the license.
- h) No group day care home provider shall be licensed to provide care for more than 18 hours within a 24-hour period.
- i) The license shall be prominently displayed in the home at all times.
- ~~ii)~~ There shall be no fee or charge for the license.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, syrup of ipecac, activated charcoal, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.
 - 2) The kitchen shall be equipped with a readily accessible and an-operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements

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and occupied attics.

A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

B) ~~In Further, in~~ any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit. For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.

C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.

6) A facility, in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.

7) In one and ~~2 two~~-family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential

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buildings, children under 30 months of age shall be housed and cared for only in areas that the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.

- 8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 9) When the basement area may be used for child care, 2 exits shall be provided.
 - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) ~~The window shall be~~ operable from the inside without the use of tools ~~and provide that provides~~ a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct

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inspections on its behalf.

- 10) All walls and surfaces shall be free from chipped or peeling paint.
 - 11) Walls of rooms that children use shall be maintained free of lead paint.
 - 12) Furniture and equipment shall be kept in safe repair.
 - 13) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam(trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 15) Exit doors shall be kept clear of equipment and debris at all times.
 - 16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center ([1-800-222-1222](tel:1-800-222-1222) or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for

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each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.

- c) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- d) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, ~~basement~~ floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- g) A safe and sanitary water supply shall be maintained. If a private water supply is

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used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.

- h) Hot and cold running water shall be provided. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- i) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- k) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

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- A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees ~~55°~~ unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
 - 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have ~~a license or~~ a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have ~~a license or~~ a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
 - 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

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- 10) ~~Children shall be closely supervised by the caregiver when~~ If public parks or playgrounds are used for play, ~~the children shall be closely supervised by the caregiver or adult assistant~~ during play and while traveling to and from the area.
- 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
 - l) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
 - m) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
 - n) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

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- 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be maintained of the dates and times required drills are conducted. The alphabetic card file required by Section [408.120\(a\)\(2\)](#) ~~408.120(e)~~ shall accompany the caregiver during the drills.
- q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- r) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
- s) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (r), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*

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- t) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children* (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored. ~~(Section 7 of the Act)~~
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.35 General Requirements for Group Day Care Home Family

- a) Each person subject to background checks, as defined in Section 408.5, shall authorize the background check required by 89 Ill. Adm. Code 385 (Background Checks) and be cleared in accordance with the requirements of Part 385.
- b) When notified by the Department that an employee, member of the household or other person in frequent contact with children at the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the licensee shall take reasonable action ~~necessary~~ to insure that the employee or other person is restricted ~~during the pendency of the investigation~~ from contact with children whose care has been entrusted to the facility during the pending investigation. Such reasonable action includes, but is not limited to, barring or removing the person from the facility or assuring that another adult is always present when the subject of the investigation is in contact with children.

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- c) The licensee shall be present in the home when children are in attendance unless a qualified substitute caregiver, per Section 408.55, is present.
- d) Licensees and other adult members of the household in contact with group day care children shall be stable, law abiding, responsible, mature individuals.
- e)e) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.
- f)d) The caregivers and all members of the household shall provide medical evidence that they are free of ~~a reportable~~-communicable disease that may be transmitted while providing child care; and, in the case of caregivers, that they are free of physical or mental conditions that could interfere with ~~the~~ child care responsibilities. The medical report for the caregivers shall be valid for 3 years.
- g)e) Caregivers and members of the household shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health (77 Ill. Adm. Code 690.720).
- h)f) Should the caregivers or any member of the household be diagnosed as having a communicable disease for which isolation is required by the Department of Public Health (IDPH) or local health department, the group day care home shall not provide child care until notified by the public health agency that the infectious period has elapsed and that child care may resume. Further, if a child care assistant or substitute who does not reside in the group day care home ~~who~~ has been diagnosed as having a communicable disease for which isolation is required, that person shall be barred from the home until the presence of such person is authorized by the IDPH or the local health department.
- i)g) During ~~the~~ hours of operation of the group day care home, there shall be at least one person on the premises certified in first aid, the Heimlich maneuver and ~~infant/child~~-cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health. CPR certification shall be for the age range of children in care. The caregivers shall have on file current certificates attesting to the training.
- j)h) The operators of the group day care home shall carry public liability insurance in the single limit minimum amount of \$100,000 per occurrence.

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- ~~k)j)~~ Persons, including members of the household, counted in the staff-to-child ratio required by Section 408.65 must be present, awake and free from responsibilities other than those directly related to the care and supervision of children when children are present. These responsibilities may include light housekeeping to maintain the areas wherein child care is provided.
- ~~l)j)~~ Caregivers, assistants and other persons shall not smoke or consume alcohol in the presence of children. A caregiver or child care assistant who appears to be under the influence of alcohol or other drug shall not have responsibility of the care of children.
- ~~m)k)~~ If the group day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep on the same floor (level) of the residence and the children's bedrooms are within hearing distance of the caregiver's bedroom.
- n) The licensee shall successfully complete a Department approved basic course of 6 or more clock hours in providing care to children with disabilities. Refer to Appendix G for basic course requirements. The licensee shall have on file a certificate attesting to the successful completion of the training.
- 1) Current license holders shall complete this training within 36 months from November 15, 2003.
- 2) New licensees shall complete this training within 36 months from the issue date of the initial license.
- 3) A licensee who has completed training prior to November 15, 2003 may have that training approved as meeting the provisions of this Section. A certificate of training completion and a description of the course content must be submitted to the Department for approval.
- o) Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.45 Caregivers

- a) The caregiver is responsible for the day-to-day operation of the group day care

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home in accordance with the standards prescribed in this Part.

- b) The caregiver or a designated child care assistant meeting the requirements of this Section shall be at the group day care home at all times that the group day care home is in operation, except when transporting children or accompanying them on field trips.
- c) The caregivers in a group day care home shall be at least 21 years of age.
- d) The caregivers shall have a high school diploma or equivalency certificate.
- e) In addition to meeting the requirements of Sections 408.35 and 408.40 the caregiver in a group day home shall have achieved:
 - 1) One year (1560 clock hours) child development experience in a licensed day care home, nursery school, kindergarten, or licensed day care center plus 6 semester or equivalent quarter hours in courses related directly to child care and/or child development from an accredited college or university;
 - 2) One year (30 semester hours or 45 quarter hours) of credit from an accredited college or university with 6 semester or equivalent quarter hours related directly to child care and/or child development; or
 - 3) Completion of a credentialing program approved in accordance with Appendix F of this Part.
- f) The caregivers shall complete 15 clock hours of in-service training per calendar year in accordance with the requirements in Appendix G.
 - 1) Such training may be derived from programs offered by any of the entities identified in Appendix G.
 - 2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix G.
- g) The records of the group day care home shall document the continuing education in which the caregiver has participated, and these records shall be available for review by the Department.

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- h) Through interaction with the licensing representative, children, parents or guardian of children in care and operation of the group day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:
- 1) Knowledge of basic hygiene, safety, and nutrition;
 - 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals;
 - 3) The ability to communicate with children;
 - 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse;
 - 5) Knowledge of the children's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.
 - 6) Using developmentally appropriate behavior management techniques that do not constitute corporal punishment of children.
- i) The caregivers shall be responsible for the planning and supervision of the program and activities of the children; orienting child care assistants and substitutes to the operation of the group day care home; on-site supervision of child care assistants; and in-service training totaling a minimum of 15 clock hours per year for the child care assistants. Orientation and training may be provided by the primary caregivers or outside resource persons and shall include recognizing and reporting child abuse or neglect, licensing standards prescribed by this Part, first aid, health and sanitation, fire prevention and safety procedures, special health, developmental, or nutritional needs of children cared for in the group day care home.
- j) The caregivers may not work or be employed outside the home during the hours that child care is being provided. This restriction does not apply to spouses qualifying as caregivers, provided one of them is in the home during the hours that child care is being provided. Outside employment during hours that child care is not being provided shall not interfere with child care.
- k) The caregiver shall be awake, alert, and able to supervise the children when

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providing care.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.55 Substitutes Substitute(s)

- a) A substitute caregiver may be used in the home up to 25 child care hours per month and for an additional period not to exceed ~~2~~two weeks in a 12 month period. The supervising agency may approve additional time for family emergencies, medical reasons, and continuing education when the substitute to be used during these periods meets the qualifications in Section 408.45. The substitute caregiver's work time shall be documented.
- b) A substitute caregiver shall be at least 21 years of age.
- c) A person who functions as a substitute caregiver on a regular or scheduled basis shall meet the requirements of Sections 408.35 and 408.40.
- d) The ~~parents parent(s)~~ of children in care and the Department shall be notified of any substitution which occurs on a regular or scheduled basis or where in the caregiver is absent from the home for more than 24 consecutive hours during which children are in care.
- e) The caregiver shall have on file the names, addresses, and telephone numbers of additional ~~adults adult(s)~~ who would be available to assist in the home in an emergency.
- f) The caregiver shall have a plan worked out and understood by the parents in case the caregiver is ill or absent from the home due to an emergency.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.60 Admission and Discharge Procedures

- a) No child ~~Child(ren)~~ served in a day care facility shall ~~not~~ remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's education, or training schedule, at ~~At~~ no time shall ~~childre~~child(ren) cared for in a day care facility remain on the premises for more than 18 ~~24~~ consecutive hours.

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- b) Prior to acceptance of a child for care, the caregiver shall require that the ~~parents~~ ~~parent(s)~~ or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under ~~six~~ years of age may be admitted to the group day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Illinois Department of Public Health, or a screening for lead poisoning if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.
- c) The ~~parents~~ ~~parent(s)~~ or guardian shall be permitted to visit the home, without prior notice, during the hours their ~~children are~~ ~~child(ren) is/are~~ in care.
- d) The ~~caregivers~~ ~~caregiver(s)~~ shall conduct a daily, preadmissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.
- e) ~~Children~~ ~~Child(ren)~~ with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- f) A child shall be discharged from the facility only to the child's ~~parents~~ ~~parent(s)~~ or guardian or to a person designated in writing by the ~~parents~~ ~~parent(s)~~ or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the ~~parents~~ ~~parent(s)~~ or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) The facility shall maintain a list of persons designated, in writing, by the ~~parents~~ ~~parent(s)~~, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the ~~parents~~ ~~parent(s)~~ or

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guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parents or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).

- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parents parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.
- j) All group day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:
 - 1) The consequences of not picking up the children on time, including:
 - A) Amount of late fee, if any, and when those fees begin to accrue;
 - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
 - C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
 - 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
 - 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.

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- 4) A reminder to staff that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never with the child.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.65 Number and Ages of Children Served (See Also Appendix H)

- a) A caregiver alone
The maximum number of children under the age of 12 cared for in a group day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. A caregiver alone may care for children in accordance with the following age groupings: The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than 8 such children are present.
- e) Except as provided by subsection (b), the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:
- 1) No more than 4 children under 15 months of age shall be cared for in a group day care home;
 - 2) No more than 6 children under 30 months of age shall be cared for in a group day care home of which no more than 4 children may be under 15 months of age;
 - 3) No more than 12 children under 6 years of age shall be cared for in a group day care home of which no more than 6 children may be under 30 months of age and 4 under 15 months of age.
- d) A caregiver alone may care for:
- 1) A mixed age group consisting of:
 - A) Up to 8 children under 12 years of age, of which
 - B) Up to 5 children may be under 5 years of age, of which

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- C) Up to 3 children may be under 24 months of age; or
 - 2) A mixed age group consisting of:
 - A) Up to 8 children under 12 years of age, of which
 - B) Up to 6 children may be under 5 years of age, of which
 - C) Up to 2 children may be under 30 months of age; or
 - 3) Up to 8 pre-school children if no child is under age 3; or
 - 4) Up to 12 school age children as defined by Section 408.5.
- b) A caregiver and an assistant 18 years of age or older
The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and an assistant shall be 12 except when extended capacity is considered under condition in Section 408.65(c). The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. The caregiver and assistant 18 years of age or older may care for children in accordance with the following age groupings:
- 1) 12 children between 3 and 6 years of age. The assistant must be present when more than 8 such children are present; or
 - 2) No more than 12 children under 12 years of age of which no more than 6 children may be under 30 months of age, of which no more than 4 children may be under 15 months of age.
- c) Extended capacity
- 1) A caregiver and a full-time assistant or if a part-time before and/or after school assistant is employed may care for 4 additional children who are attending school full-time. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.
 - 2) Care provided for the additional before and after school children is limited to children who attend school full-time and it is limited to before and/or

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after school, holidays, weekends, during unforeseen school closings, and during the summer.

- d) The maximum number of children receiving night care shall be 12 children and groupings shall be consistent with subsections (a) and (b) of this Section.
- ~~e)~~ ~~In addition to the children who may receive child care in accordance with the requirements of subsection (d), a caregiver may accept 4 additional children who are attending school full-time if a part-time before and/or after school assistant is employed and the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf approve the group day care home for acceptance of the extended capacity. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present and there are more than 12 children in the home.~~
- ~~e)f)~~ In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- ~~f)g)~~ When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:
- 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;
 - 2) At least one of the siblings has been in care for 30 days or more; and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.70 Health, ~~and~~ Medical Care and Safety

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- a) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
- 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.
 - 2) If the child is in a high risk group, as determined by the examining physician~~Unless the examining physician has made a determination that it is unnecessary~~, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children in high risk groups begin elementary and secondary school~~unless the examining physician determines that the test is unnecessary~~.
 - 3) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.
 - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, and haemophilus influenza B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.
 - 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.

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- 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
 - c) Necessary medications shall be administered according to specific written instructions from the child's parents or guardians.
 - 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
 - 2) Nonprescription medication provided by the parents may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.
 - 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
 - 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.
 - 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
 - 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.

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- d) Personal hygiene standards, such as the following, shall be observed:
- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who sleeps or naps while in care. A twin size bed may be used for 2 children under age ~~4-2~~, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for children if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
 - 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
 - 4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall supervise children's hand-washing ~~handwashing~~ to ensure that children are not scalded by hot water.
 - 5) Open cuts, sores or lesions on caregivers or children shall be covered.
 - 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
 - 7) Sheets shall be changed when soiled and at least weekly.
 - 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other

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children and a caregiver or assistant shall supervise the child at all times he/she is in the home.

- f) When a group day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- g) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered children;
 - 2) Washing washable toys at least once per day;
 - 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- h) There shall be an emergency plan for each child in case of accident or sudden illness.
 - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 408.55 must assume supervision of other children in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

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- i) Children shall be supervised at all times. All children in the group day care home shall be protected from exploitation, neglect, and abuse.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.105 Children Under 30 Months of Age

- a) Children under 30 months of age shall not be permitted in bathrooms, kitchens, or hazardous areas without the caregiver or assistant present.
- b) To minimize the risk of Sudden Infant Death Syndrome, children shall be placed on their backs when put down to sleep unless contraindicated by a physician. Children shall not be placed on their abdomens, unless specifically instructed in writing by the child's physician to do so.
- ~~c)~~b) Children under 30 months of age shall be provided a daily program that is designed to meet their needs.
- 1) The caregivers shall demonstrate warm, positive feelings toward each child through actions such as hugging, patting, smiling, and cuddling.
 - 2) Routines such as naps and feedings shall be discussed with the parents and shall be consistent with the child's routine at home.
 - 3) Non-mobile children who are awake shall be moved to different positions and shall be held, rocked, and carried about.
 - 4) The caregivers shall frequently change the place, position, and toys available for children who cannot move about the room.
 - 5) Consistent toilet training shall be undertaken at a time mutually agreed upon by parents and caregiver in accordance with the child's age and/or stage of development.
 - 6) Children shall be taken outdoors for a portion of every day, when weather permits, except when the child is ill or unless indicated otherwise by parents or physician.
- ~~d)~~e) Feeding schedules and procedures shall meet the developmental needs of the

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children.

- 1) Flexible feeding schedules of children shall be established to coordinate with parents' schedules at home and to allow for nursing.
- ~~2)~~ ~~To reduce the incidence of sudden infant death syndrome, children who cannot turn over alone shall be placed on their sides or backs when put down to sleep unless contraindicated by a physician. Placing children on their abdomens for any reason shall be avoided unless specifically instructed by the child's physician to do so.~~
- ~~23)~~ Infants shall either be held or be fed sitting up for bottle feeding. Infants unable to sit shall always be held for bottle feeding. When infants are able to hold their own non-glass bottle, they may feed themselves without being held. The bottle must be removed when the child has fallen asleep. Bottle propping and carrying of bottles by young children throughout the day/night shall not be permitted.
- ~~34)~~ Bottles shall never be warmed or defrosted in a microwave oven.
- ~~45)~~ Children shall be allowed and encouraged to feed themselves when they indicate a readiness to do so.
- ~~56)~~ Safe finger foods such as those that dissolve in the mouth may be provided.
- ~~e)d)~~ Proper standards of hygiene shall be observed in the home.
 - 1) Hands shall be washed with soap and running water and dried before the feeding of each child.
 - 2) ~~Formula If the child's formula is~~ brought in by the parent, ~~it~~ shall be labeled and refrigerated.
 - 3) All utensils shall be washed after each use.
 - 4) Foods stored or prepared in jars shall be served from a separate dish for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the child's name, dated, refrigerated, and served within 24 hours or discarded.

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- 5) A toilet shall be easily accessible so that the contents of reusable diapers may be disposed of before placing the diapers in the diaper pail. Disposable diapers and their contents shall be disposed of in accordance with the manufacturer's instructions.
 - 6) Persons changing diapers shall wash hands under running water with soap after each change of diaper. Hands shall be dried with single-use towels. Additionally, disposable, non-permeable gloves shall be worn when changing a child who has watery or bloody stools.
 - 7) The child whose diaper is being changed is to be washed on the hands and anal area if there has been defecation or if irritation is present.
 - 8) Children who are not toilet trained shall be diapered in their own cribs, at a central diapering area on a surface that is disinfected after each use, or on a disposable paper sheet that is disposed of after each diapering.
 - 9) The toilet seat, if soiled, or potty shall be cleaned after every use.
 - 10) Soiled diapers shall be changed promptly.
 - 11) Sheets shall be changed when soiled, and all sheets shall be changed routinely ~~two~~ times per week.
 - 12) All beds shall be wiped clean as often as necessary.
 - 13) Toys and equipment shall be kept clean.
- ~~f)e)~~ A germicidal solution of ¼ cup household chlorine bleach to one gallon of water (or one tablespoon bleach to one quart of water) or other germicidal solution approved by the Centers for Disease Control and Prevention shall be used to clean surfaces soiled by blood or body fluids. The bleach solution shall be made fresh daily.
- ~~g)f)~~ The equipment must be appropriate to the developmental needs of the children in care.
- 1) Safe, sturdy, well-constructed individual cribs, playpens, or port-a-cribs for infants shall be equipped with good firm, fitting mattresses made of waterproof materials that can be washed. Washable cots may be used for

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children 15 months of age and over.

- 2) Sleeping equipment for children under 15 months must have protection to prevent falls.
- 3) There shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
- 4) Soft bedding, bumpers, pillows, quilts, comforters, stuffed toys and other soft products shall be removed from the crib when children are napping or sleeping. If using a blanket, put the child with feet at the foot of the crib. Tuck a thin blanket around the crib mattress, reaching only as far as the child's chest.
- ~~5)4~~ Bed linens used on the cots, cribs, or playpens shall be safe, tightly fitting, and washable.
- ~~6)5~~ Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.
- ~~7)6~~ A toilet seat or potty shall be provided.
- ~~h)g~~ The materials must be appropriate to the developmental needs of the child in care.
 - 1) Provision shall be made for an adequate supply of individual diapers, clothing, powder, oil, etc.
 - 2) There shall be a variety of toys and art materials for children under 30 months of age to observe, grasp, pick up, and manipulate.
 - 3) Pull toys, pounding toys, large hollow blocks, or large balls shall be available for development of large muscles.
 - 4) Mobile walkers are prohibited. Stationary exercisers ~~walkers~~ may be used.
- ~~i)h~~ Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to children under 30 months of age. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

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(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.115 Night Care

- a) A group day care home receiving children for night care shall comply with the standards prescribed for group day care homes in addition to the special requirements prescribed in this Section.
- b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the group day care home occurs between 6:00 p.m. and 6:00 a.m.
- c) The child shall be bathed, if needed.
- d) No child under 5 years of age shall be left unattended while in the bathtub.
- e) Each child must have individual sleeping garments that are clean and comfortable.
- f) An individual bed, crib, or cot and individual linen and bedding shall be provided for each child except as provided in this subsection (f):
 - 1) A double bed shall be the minimum size for sleeping 2 non-enuretic children of the same sex.
 - 2) Rubber sheets or suitable substitutes shall be supplied when necessary.
 - 3) If a crib is used there shall be no more than 1½ inches of space between the mattress and bed frame when the mattress is pushed flush at one corner of the crib.
 - 4) Unrelated children over 4 years of age may not share a bedroom over night with children of the opposite sex.
- g) Caregivers and children receiving night care shall sleep on the same floor (level) of the residence.
- h) If the group day care home receives children for night-time care, the caregiver may sleep while children are present if the caregiver and the children sleep on the same floor (level) of the residence and the children's bedrooms are within hearing

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distance of the caregiver's bedroom to provide for the needs of the children and to respond immediately in an emergency.

- ~~i)h)~~ A basement area may be used for sleeping or napping if it has been approved in accordance with Section 408.30(a)(9).
- ~~j)i)~~ A room above the first floor may be used for sleeping or napping if the room has 2 exits with one exit leading directly to the outside with means to safely reach the ground level.
- ~~k)j)~~ There shall be a night light or other mechanism to illuminate hallways leading to stairs and/or the restroom.
- ~~l)k)~~ A child who goes to school from a group day care home providing night care shall be clean and properly dressed according to the weather.
- ~~m)l)~~ Each child shall have individual toilet articles such as comb, toothbrush, towel, and washcloth.
- ~~n)m)~~ Health care routines at bedtime and/or upon rising shall include:
- 1) Brushing teeth at bedtime and upon rising.
 - 2) Brushing or combing the hair upon rising.
 - 3) Establishing a routine for toileting at bedtime and upon rising.
- ~~o)n)~~ When possible, children shall be left for care and picked up either before or after their normal sleeping period so that there is minimum disturbance of the children during sleep.
- ~~p)o)~~ The group day care home shall serve meals and snacks that supplement food served at home as prescribed in Section 408.80.
- 1) An evening meal that meets nutritional requirements shall be served at a regular time each evening and shall be available to children who may arrive without having first eaten.
 - 2) A bedtime snack shall be served, unless contraindicated by parents or physician in accordance with Section 408.80.

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- 3) Children who remain overnight and go to school directly from the group day care home shall have breakfast, including juice or fruit, unless they are receiving breakfast at school.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.120 Records and Reports

- a) A facility shall maintain a record file on the ~~children~~ ~~child(ren)~~ enrolled.
 - 1) A written application for admission of each child shall be on file with the signature of the parent or guardian.
 - 2) An alphabetic card file or register on each child shall be maintained and shall include:
 - A) Name, date of birth, and sex;
 - B) Date of admission and discharge;
 - C) Scheduled days and hours of care;
 - D) ~~Names~~ ~~Name(s)~~ of ~~parents~~ ~~parent(s)~~ or ~~guardians~~ ~~guardian(s)~~, home address and business address and telephone numbers, marital status, and the working hours of the ~~parents~~ ~~parent(s)~~ or ~~guardians~~ ~~guardian(s)~~;
 - E) Name, address and telephone number of child's physician (or other person designated by ~~parents~~ ~~parent(s)~~ who object to medical treatment on religious grounds);
 - F) ~~Names~~ ~~Name(s)~~, addresses and telephone numbers of others authorized to pick up the child; and
 - G) Names, addresses, and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.
 - H) Information regarding the child's personal development, habits,

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medical needs, and other information critical to the child's well-being.

- 3) There shall be signed consent forms from the parent or guardian including:
 - A) Permission for emergency medical care and treatment if the parent is not readily available.
 - B) Permission to administer medication, if applicable.
 - C) Permission for someone other than parent or guardian to pick up child if necessary.
 - D) Visits, trips or excursions off the premises.
 - E) Transportation provided by caregiver.
 - F) Permission to use the facility's swimming pool, if applicable.
 - 4) Accidents or illnesses which have occurred to the child at the facility shall be recorded in the file. When a child is not permitted to attend the facility because of an accident or illness, the date of readmission to the facility shall be recorded.
 - 5) All required health and medical reports as required by Section 408.70.
 - 6) A statement signed by the ~~parents parent(s)~~ or guardian indicating receipt of a summary of licensing standards and other materials as required by subsection (c) shall be in the child's record file.
- b) A facility shall maintain accurate daily attendance records on all children enrolled. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance record.
 - c) The facility shall distribute a summary of the licensing standards, provided by the Department, to the ~~parents parent(s)~~ or guardian of each child at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease, shall be distributed to the ~~parents parent(s)~~ or

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guardian of each child cared for when designated for such distribution by the Department. Each child's record shall contain a statement signed by the child's ~~parent~~ ~~parent(s)~~ or guardian, indicating that they have received a summary of licensing standards and other materials designated by the Department for such distribution.

- d) The group day care home shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving ~~children~~ ~~child(ren)~~. Oral reports shall be confirmed in writing within ~~2~~~~two~~ working days of the occurrence. If the home is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations.
- e) ~~Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873. Evidence of child abuse or neglect shall be reported immediately to the Department in accordance with the Abused and Neglected Child Reporting Act. (Ill. Rev. Stat. 1987, ch. 23, pars. 2051 et seq.)~~
- f) The caregiver shall immediately notify the Department of the death of any child at the facility; ~~a child is missing from the group day care home~~; any illness or injury of a child resulting in medical treatment or hospitalization, and any known or suspected case or carrier or a reportable contagious, infectious, or communicable disease among ~~children~~ ~~child(ren)~~, staff or ~~members~~ ~~member(s)~~ of the household.
- g) The caregiver shall immediately notify the Department of any natural disaster or other occurrence resulting in the loss of or damage to physical plant or equipment required to operate the group day care home in accordance with this Part.
- h) Records shall be maintained on all staff and shall contain all pertinent information relative to character, suitability, and qualifications for the position; health; ~~3~~~~three~~ character references verified by the group day care home; history of employment for the previous ~~5~~~~five~~ years; date of employment by the group day care home; and, if applicable, date and ~~reasons~~ ~~reason(s)~~ for separation from the day care home.
- i) The caregiver shall make available to staff a current and complete copy of the

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licensing standards in a location readily accessible to staff. Further, the licensee shall maintain a record signed by staff indicating that they have reviewed the licensing standards and any subsequent changes to those standards provided to the licensee by the Department. Records documenting compliance with this requirement shall be maintained by the licensee and available for licensing review.

- j) Each staff person shall sign a statement prescribed by the Department acknowledging his or her status as a mandated reporter of child abuse or neglect under the Abused and Neglected Child Reporting Act and acknowledging he or she has knowledge and understanding of the reporting requirements under that Act. Such statement shall be signed and dated by the staff person prior to employment, and shall be maintained by the licensee.
- k) The facility shall maintain and submit reports on staff to the Department on forms provided by the Department.
 - 1) An individual report on each new employee 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 immediately.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
- l) The facility shall promptly report any known or suspected case or carrier of communicable disease to local health authorities, and shall comply with the Illinois Department of Public Health's rules for the Control of Communicable Diseases (77 Ill. Adm. Code 690).
- m) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization which specifies the statutory authority or administrative rule under which the access is granted shall have access to records and reports. All persons who have access to the records and reports shall respect their confidential nature.
- n) A medical record for each child, on forms provided by the Department, shall be maintained at the facility, dated no earlier than 6 months prior to enrollment, and signed by the examining physician, an advance practice nurse who has a written

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collaborative agreement with a collaborating physician that authorizes the advance practice nurse to perform health examinations, a physician assistant who has been delegated the performance of health examinations by the supervising physician; or the medical record is certified by a recognized health facility.

- o) The licensee shall notify the supervising agency within one week, in writing, of any changes to the household composition. Changes that require notification include the addition of any new person into the home, the return of any former household member, or the departure of any household member.
- p) The licensee shall keep a record of dates and hours worked by the substitute caregiver while the licensee is absent from the group day care home, as required in 89 Ill. Adm. Code 406.55(a).

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

Section 408.130 Cooperation with the Department

- a) Authorized representatives of the Department shall be admitted to the facility during the facility's hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.
- b) Licensed providers are subject to periodic monitoring as long as the license is valid, whether or not child care is actually being provided.

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

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Section 408.APPENDIX G In-Service Training

- a) Entities that may provide in-service training to meet the requirements of Section 406.9(o) include, but are not limited to:
- 1) colleges and universities
 - 2) child care resource and referral agencies
 - 3) Illinois Department of Public Health or local health departments
 - 4) Office of the State Fire Marshal or local fire department
 - 5) Illinois Department of Children and Family Services
 - 6) Illinois Department of Human Services
 - 7) state or national child care or child advocacy organizations
 - 8) national, state or local family day care home associations
 - 9) Child and Adult Care Food Program sponsors
 - 10) Healthy Child Care Illinois nurses
 - 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health
- b) Topics or courses to meet the in-service training requirements include, but are not limited to:
- 1) child care and child development
 - 2) guidance and discipline
 - 3) first aid and CPR
 - 4) symptoms of common childhood illness

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- 5) food preparation and nutrition
 - 6) health and sanitation
 - 7) small business management
 - 8) child abuse and neglect
 - 9) working with parents and families
 - 10) caring for children with disabilities
 - 11) information about asthma and its management
 - 12) SIDS education
 - 13) service obligations under the federal Americans with Disabilities Act (ADA)
- c) In-service training may be acquired through the following:
- 1) attending college or university or vocational school classes (clock hours spent in the classroom are counted)
 - 2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)
 - 3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hours is required.)
 - 4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)
 - 5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)
 - 6) internet home study programs if the internet site provides documentation

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of use and number of clock ~~hours~~ hour

The training instructor, speaker or president of the child care organization sponsoring the training, may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.

- d) Licensed providers shall meet the 15 Hrs. following clock hour requirements for in-service training per calendar year. Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.

	7 Hrs. 30 Min.
Calendar year 2001	
Calendar Year 2002	12 Hrs.
Calendar Year 2003 and thereafter	15 Hrs.

- e) For newly licensed providers, required annual in-service training hours are prorated based on the month of the effective date of license.

1) ~~For newly licensed providers in 2001~~

Month of License	Training Hours Required
April	7 Hrs. 30 Min.
May	6 Hrs. 45 Min.
June	6 Hrs.
July	5 Hrs.
August	4 Hrs. 15 Min.
September	3 Hrs. 30 Min.
October	2 Hrs. 30 Min.
November	1 Hr. 45 Min.
December	1 Hrs.

2) ~~For newly licensed providers in 2002~~

Month of License	Training Hours Required
January	12 Hrs.
February	11 Hrs.
March	10 Hrs.
April	9 Hrs.
May	8 Hrs.

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June	7 Hrs.
July	6 Hrs.
August	5 Hrs.
September	4 Hrs.
October	3 Hrs.
November	2 Hrs.
December	1 Hrs.

3) For newly licensed providers in 2003 and thereafter

Monthly of License	Training Hours Required
January	15 Hrs.
February	13 Hrs. 45 Min.
March	12 Hrs. 30 Min.
April	11 Hrs. 15 Min.
May	10 Hrs
June	8 Hrs. 45 Min.
July	7 Hrs. 30 Min.
August	6 Hrs. 15 Min.
September	5 Hrs
October	3 Hrs 45 Min.
November	1 Hr. 30 Min.
December	1 Hr. 15 Min.

f) Courses/training approved by the Department in carrying for children with disabilities must include the following component:

- Introduction to Inclusive Child Care
- Understanding Child Development in Relation to Disabilities
- Building Relationships with Families
- Preparing for and Including Young Children in the Child Care Setting
- Community Services for Young Children with Disabilities (including Early Intervention services)

(Source: Amended at 27 Ill. Reg. 19180, effective December 15, 2003)

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SECTION 408.APPENDIX H Chart of Number and Ages of Children Served

<u>408.65</u>	<u>Caregiver Alone</u>	<u>Caregiver & Assistant 18 yrs & older</u>	<u>Total</u>
a)	1) <u>8 children under 12</u> <u>5 under 5 yrs old</u> <u>3 under 24 months</u>		<u>8</u>
	2) <u>8 under 12</u> <u>6 under 5 yrs old</u> <u>2 under 30 months</u>		<u>8</u>
	3) <u>8 under 12</u> <u>0 under 3 yrs old</u>		<u>8</u>
	4) <u>12 school age</u> <u>5 through 12 yrs old</u>		<u>12</u>
b)		<u>12 children</u> 1) <u>3 through 6 yrs old</u>	<u>12</u>
		2) <u>12 under 12 yrs old, of which</u> <u>no more than 6 are under 30</u> <u>months and no more than 4 of those 6</u> <u>are under 15 months</u>	<u>12</u>
c)		<u>Extended Capacity</u> <u>4 additional school children added to</u> <u>the ratio in Section 408.65(b)</u>	<u>16</u>

(Source: Added at 27 Ill. Reg. 19180, effective December 15, 2003)

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- 1) Heading of the Part: Improper Claims Practice
- 2) Code Citation: 50 Ill. Adm. Code 919
- 3) Section Number: 919.50 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 154.5 and 154.6 of the Illinois Insurance Code [215 ILCS 5/154.5 and 154.6], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Sections 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3].
- 5) Effective Date of Amendment: December 10, 2003
- 6) Does this amendment 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 Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 20, 2003, 27 Ill. Reg. 9402
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: No changes have been made since First Notice publication.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendment: In July of 2002 the Department adopted various amendments to this Part including an amendment that added Section 919.50(d). Prior to the adoption of these amendments last year, much discussion occurred between the

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Department and interested parties who firmly maintained that the financial impact of implementing the provisions of Section 919.50(d) would be very costly. In an effort to ease the financial burden immediate compliance with Section 919.50(d) would have caused, the Department agreed to incorporate a specific compliance date for this Section giving the insurance industry one year to make the transition.

Since that time the Department has been compiling information concerning this entire process while conducting our field examinations pursuant to Section 132 of the Illinois Insurance Code [215 ILCS 5/132]. The Department is analyzing this information, and we will need to further evaluate whether our current regulation should be amended. At this time, given the expenses involved to achieve compliance with Section 919.50, the Department is moving the July 1, 2003 compliance date off to July 1, 2004.

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

Dale Emerson
Assistant Deputy Director, Consumer Division
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
217-785-5044

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

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIESPART 919
IMPROPER CLAIMS PRACTICE

Section

919.10	Authority
919.20	Scope and Purpose
919.30	Examinations
919.40	Definitions/Explanations
919.50	Required Practices for all Insurance Companies
919.60	Improper Practices or Procedures for all Insurance Companies
919.70	Required Claims Practices – Life, Accident and Health Companies
919.80	Required Claim Practices – Private Passenger Automobile – Property and Casualty Companies
919.90	Improper Practices or Procedures – Property and Casualty Companies
919.100	Severability Provision
919.EXHIBIT A	Total Loss Automobile Claims

AUTHORITY: Implementing Sections 154.5 and 154.6 of the Illinois Insurance Code [215 ILCS 5/154.5 and 154.6] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3].

SOURCE: Filed June 17, 1974, effective July 1, 1974; amended at 2 Ill. Reg. 22, p. 77, effective May 22, 1978; new rules adopted at 3 Ill. Reg. 31, p. 93, effective August 4, 1979; old rules repealed 3 Ill. Reg. 32, p. 42, effective August 6, 1979; emergency amendment and codified at 7 Ill. Reg. 2755, effective February 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 11489, effective October 1, 1983; amended at 10 Ill. Reg. 5125, effective March 17, 1986; amended at 13 Ill. Reg. 1204, effective January 11, 1989; amended at 26 Ill. Reg. 11915, effective July 22, 2002; amended at 27 Ill. Reg. 19287, effective December 10, 2003.

Section 919.50 Required Practices for all Insurance Companies

- a) The company shall affirm or deny liability on claims within a reasonable time and shall offer payment within 30 days after affirmation of liability, if the amount of the claim is determined and not in dispute. For those portions of the claim which

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are not in dispute and for which the payee is known, the company shall tender payment within said 30 days.

- 1) On first party claims if a settlement of a claim is less than the amount claimed, or if the claim is denied, the company shall provide to the insured a reasonable written explanation of the basis of the lower offer or denial within 30 days after the investigation and determination of liability is completed. This explanation shall clearly set forth the policy definition, limitation, exclusion or condition upon which denial was based. Notice of Availability of the Department of Insurance shall accompany this explanation.
 - 2) Within 30 days after the initial determination of liability is made, if the claim is denied, the company shall provide the third party a reasonable written explanation of the basis of the denial.
- b) No company shall deny a claim upon information obtained in a telephone conversation or personal interview with any source unless such telephone conversation or personal interview is documented in the claim file.
 - c) The company's standards for claims processing shall be such that notice of claim and proofs of loss submitted against one policy issued by that company shall fulfill the insured's obligation under any and all similar policies issued by that company and specifically identified by the insured to said company to the same degree that the same form would be required under any similar policy. If additional information is required to fulfill the insured's obligation under other similar policies, the company may request the additional information. When it is apparent to the company that additional benefits would be payable under an insured's policy upon receipt of additional proofs of loss from the insured, the company shall communicate to and cooperate with the insured in determining the extent of the company's additional liability.
 - d) The company shall adopt a written claim processing standard and methodology by July 1, ~~2004~~2003, which will allow the company to process a death or endowment or other claim being presented against a life insurance or accidental death or dismemberment policy; however, companies selling group life insurance policies or credit life insurance policies for which the company does not maintain records of the certificate holders shall be exempt from the requirements of this subsection (d). With the exception of the requirements of subsection (d)(3), this subsection (d) does not require the company to capture, identify or maintain any data in

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addition to that which is ordinarily captured, identified or maintained by the company for policies subject to the requirements of this subsection (d).

- 1) Required Search Criterion.
The company shall perform an electronic or manual search of all its records when a claim is filed to determine if any other life insurance policies exist that may provide death, endowment, maturity or other benefits due to the death of the named insured, or endowment of an existing policy or any accidental death and dismemberment policies that would provide additional death benefits. At the completion of the electronic or manual search, the company shall pay all verified benefits, by a claimant or identified through the above search, as is required by subsection (a) of this Part. The company shall investigate additional policy files identified by the search, for which liability is not immediately verified, and a determination of liability completed no later than 6 months following the claim filing date. The search shall include:
 - A) First and last name (shall include, in addition to all exact first and last name matches with no middle name or middle initial, all policies containing the first and last name and any middle name or initial or any other designation, such as Jr., III, etc.);
 - B) First initial, middle name and last name;
 - C) First and middle initial and last name.
- 2) Optional Search Criterion.
The policies the company has identified utilizing the search criterion established in subsection (d)(1), which require further investigation to determine liability, may be limited (or eliminated) by adding any one or all of the following informational field(s) to the search results yielded pursuant to subsection (d)(1):
 - A) Date of birth and every date prior to and after the date of birth, plus or minus two years;
 - B) Sex/Gender (the absence of this information in the policies being searched does not permit the company to eliminate that record from the pool of policies being searched);

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- C) Social Security number, if available and to the extent permitted by law, or any other identifiable number, established for identification purposes by the company. Companies are only permitted to use a Social Security number, or other identifiable number, to limit or eliminate the unverified search results yielded pursuant to subsection (d) when the actual Social Security number, or other identifiable number, does not match. The absence of a Social Security number, or other identifiable number, in the policies being searched does not permit the company to eliminate that record from the pool of policies being searched;
 - D) Any policy not eliminated by the addition of the informational fields to the search in subsections (d)(2)(A), (B) and (C) shall be investigated and either affirmed or denied as a valid benefit based on a review of whether the insured is the same insured as the original claim and thus subject to payment by the company.
- 3) Companies shall also, as a part of their claim processing standard and methodology, inquire on every claim form filed with the company for death benefits, about other names by which the insured may have been known, such as maiden name, hyphenated name, nickname, derivative form of first and/or middle name or an alias. If the filer of the claim form includes such additional name information on the claim form or addendum (see subsection (d)(3)(A)), the company shall include this information as a part of its search criterion, consistent with the requirements of subsection (d)(1), to determine whether additional policies exist.
- A) The information required to be collected by this subsection (d)(3) may be acquired by the company using an addendum attached to the claim form.
 - B) Beginning July 1, ~~2004~~2003, the information required to be collected by this subsection (d) must be a part of the claim form and not attached to the claim form as an addendum.
- 4) Claim records shall be maintained that demonstrate that the insurer has followed the processing and methodology procedures required by this Part.

(Source: Amended at 27 Ill. Reg. 19287, effective December 10, 2003)

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- 1) Heading of the Part: Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985
- 2) Code Citation: 68 Ill. Adm. Code 1175
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1175.100	Amendment
1175.400	Amendment
1175.405	Amendment
1175.410	Amendment
1175.415	Amendment
1175.420	Amendment
1175.425	Amendment
1175.520	Amendment
1175.525	Amendment
1175.530	Amendment
1175.535	Amendment
1175.536	Amendment
1175.545	Amendment
1175.700	Amendment
1175.705	Amendment
1175.710	Amendment
1175.715	Amendment
1175.720	Amendment
1175.825	Amendment
1175.830	Amendment
1175.835	Amendment
1175.840	Amendment
1175.841	Amendment
1175.850	Amendment
1175.1001	Amendment
1175.1005	Amendment
1175.1010	Amendment
1175.1015	Amendment
1175.1020	Amendment
1175.1025	Amendment
1175.1030	Amendment
1175.1125	Amendment
1175.1130	Amendment
1175.1135	Amendment
1175.1140	Amendment

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1175.1141	Amendment
1175.1150	Amendment
1175.1200	Amendment
1175.1215	Amendment
1175.1300	Amendment

- 4) Statutory Authority: Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410].
- 5) Effective Date of Amendments: December 11, 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: August 15, 2003, at 27 Ill. Reg. 13686.
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version: Allows esthetics and nail technology schools, as well as cosmetology schools, to report in credit hours. In Section 1175.425, changes the CE requirement for cosmetology teachers in teaching related subjects back to 10 (rather than 12) hours.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-863 changed the curriculum requirements for cosmetology from 1500 hours to a 1500-hour program and made similar changes for esthetics and nail technology; this rulemaking makes corresponding changes throughout this Part and goes on to require a written, published attendance policy for schools licensed under this Act. Allows schools to permit excused absences by students for

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no more than 10% of the program, and requires schools to maintain documentation of excused absences for at least 5 years. Provides for teachers in one licensure category to more easily obtain a teacher's license in another category. Makes numerous technical changes throughout the Part to update references and bring the rules into conformity with the Act.

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

Department of Professional Regulation
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:

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

PART 1175
THE BARBER, COSMETOLOGY, ESTHETICS,
AND NAIL TECHNOLOGY ACT OF 1985

SUBPART A: GENERAL

Section

- 1175.100 Fees
- 1175.105 English Translations
- 1175.110 Granting Variances
- 1175.115 Sanitary Standards

SUBPART B: BARBER

Section

- 1175.200 Examination – Barber
- 1175.205 Examination – Barber Teacher
- 1175.210 Examination Requirements
- 1175.215 Application for Licensure
- 1175.220 Endorsement
- 1175.225 Renewals
- 1175.230 Restoration – Barber
- 1175.235 Restoration – Barber Teacher

SUBPART C: BARBER SCHOOLS

Section

- 1175.300 School Approval Application
- 1175.305 Physical Site Requirements
- 1175.310 Student Contracts
- 1175.315 Advertising
- 1175.320 Recordkeeping – Transcripts
- 1175.325 Recordkeeping – Hours Earned
- 1175.330 Curriculum Requirements – Barber
- 1175.335 Curriculum Requirements – Barber Teacher
- 1175.340 Final Examination

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1175.345	Change of Ownership
1175.350	Change of Location
1175.355	Change of Name
1175.360	Expansion
1175.365	Discontinuance of Program
1175.370	Withdrawal of Approval

SUBPART D: COSMETOLOGY

Section	
1175.400	Examination – Cosmetology
1175.405	Examination – Cosmetology Teacher
1175.410	Examination Requirements
1175.415	Application for Licensure
1175.420	Endorsement
1175.425	Renewals
1175.430	Restoration – Cosmetology
1175.435	Restoration – Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section	
1175.500	School Approval Application
1175.505	Physical Site Requirements
1175.510	Enrollment Agreements and Refund Policies
1175.515	Advertising
1175.520	Recordkeeping – Transcripts
1175.525	Recordkeeping – Hours Earned
1175.530	Curriculum Requirements – Cosmetology
1175.535	Curriculum Requirements – Cosmetology Teacher
1175.536	Curriculum Requirements – Cosmetology Clinic Teacher
1175.540	Final Examination
1175.545	Change of Ownership
1175.550	Change of Location
1175.555	Change of Name
1175.560	Expansion
1175.565	Discontinuance of Program
1175.570	Withdrawal of Approval

SUBPART F: CONTINUING EDUCATION –

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COSMETOLOGY/COSMETOLOGY TEACHER

Section

1175.600	Sponsor Approval (Repealed)
1175.605	Department Supervision (Repealed)
1175.610	Credit Hours (Repealed)
1175.615	Waiver of Continuing Education Requirements (Repealed)

SUBPART G: ESTHETICS

Section

1175.700	Examination – Esthetics
1175.705	Examination – Esthetics Teacher
1175.710	Examination Requirements
1175.715	Application for Licensure
1175.720	Endorsement
1175.725	Renewals
1175.730	Restoration – Esthetics
1175.735	Restoration – Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

Section

1175.800	Esthetics School Application
1175.805	Cosmetology Schools Approved to Teach Esthetics
1175.810	Physical Site Requirements
1175.815	Enrollment Agreements and Refund Policy
1175.820	Advertising
1175.825	Recordkeeping – Transcripts
1175.830	Recordkeeping – Hours Earned
1175.835	Curriculum Requirements – Esthetics
1175.840	Curriculum Requirements – Esthetics Teacher
1175.841	Curriculum Requirements – Esthetics Clinic Teacher
1175.845	Final Examination
1175.850	Change of Ownership
1175.855	Change of Location
1175.860	Change of Name
1175.865	Expansion
1175.870	Discontinuance of Program
1175.875	Withdrawal of Approval

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SUBPART I: CONTINUING EDUCATION – ESTHETICIAN/ESTHETICS TEACHER

Section

1175.900	Sponsor Approval (Repealed)
1175.905	Department Supervision (Repealed)
1175.910	Credit Hours (Repealed)
1175.915	Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section

1175.1000	Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)
1175.1001	Examination – Nail Technician
1175.1005	Examination – Nail Technology Teacher
1175.1010	Examination
1175.1015	Application for Licensure
1175.1020	Endorsement
1175.1025	Renewals
1175.1030	Restoration – Nail Technician
1175.1035	Restoration – Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section

1175.1100	Nail Technology School Application
1175.1105	Cosmetology Schools Approved to Teach Nail Technology
1175.1110	Physical Site Requirements
1175.1115	Enrollment Agreements and Refund Policies
1175.1120	Advertising
1175.1125	Recordkeeping – Transcripts
1175.1130	Recordkeeping – Hours Earned
1175.1135	Curriculum Requirements – Nail Technology
1175.1140	Curriculum Requirements – Nail Technology Teacher
1175.1141	Curriculum Requirements – Nail Technology Clinic Teacher
1175.1145	Final Examination
1175.1150	Change of Ownership
1175.1155	Change of Location
1175.1160	Change of Name

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- 1175.1165 Expansion
- 1175.1170 Discontinuance of Program
- 1175.1175 Withdrawal of Approval

SUBPART L: CONTINUING EDUCATION

Section

- 1175.1200 Sponsor Approval
- 1175.1205 Department Supervision
- 1175.1210 Credit Hours
- 1175.1215 Waiver of Continuing Education Requirements

SUBPART M: SHOP REGISTRATION

Section

- 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 5749, effective April 30, 1999; amended at 27 Ill. Reg. 19293, effective December 11, 2003.

SUBPART A: GENERAL

Section 1175.100 Fees

- a) Licensure fees for cosmetologists, barbers, estheticians, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, esthetics clinic teachers, nail technology teachers and nail technology clinic teachers are:
 - 1) License. The fee for a license is \$30 and is to be submitted with the

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application.

- 2) Examination. Applicants for any examination shall be required to pay, either to the Department of Professional Regulation (the Department) or to the designated testing service, a fee covering the cost of providing the examination.
 - 3) Renewal. The fee for renewal of a license shall be calculated at the rate of \$25 per year.
 - 4) Restoration. The fee for restoration of a license is \$10 plus payment of all lapsed renewal fees, but not to exceed \$135.
 - 5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.
 - 6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is \$45.
- b) Licensure fees for cosmetology schools, barber schools, esthetics schools or nail technology schools are:
- 1) License. The fee for a license is \$150 plus the cost of inspection (\$50).
 - 2) Change of Ownership. The fee for a license resulting from a change of ownership is \$150 plus the cost of inspection (\$50).
 - 3) Change of Location. The fee for a license resulting from a change of location is \$150 plus the cost of inspection (\$50).
 - 4) Change of Name. The fee for a license resulting from a change of name is \$20.
 - 5) Renewal. The fee for renewal of a license shall be calculated at \$100 per year.
 - 6) Expansion. The fee for on-site and off-site expansion is \$50.

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7) Cosmetology School Approval to Teach Esthetics. The fee for approval to upgrade to teach esthetics shall be the cost of the inspection (\$50).

8) Cosmetology School Approval to Teach Nail Technology. The fee for approval to upgrade to teach nail technology shall be the cost of the inspection (\$50).

c) Salon Fees

- 1) Registration. The fee for registration of a barber shop or cosmetology, nail technician or esthetics salon (salon) is \$40.
- 2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is \$20.
- 3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at \$20 per year.

d) Sponsor Fees

- 1) Registration. The fee for registration as a continuing education sponsor shall be \$500 pursuant to Section 4-1.5(c) of the Act.
- 2) Renewal. The fee for renewal as a continuing education sponsor shall be \$250 every two years pursuant to Section 4-1.5(c) of the Act. If a sponsor allows the registration to lapse, he/she will be required to submit \$500 to restore the registration pursuant to Section 4-1.5(c) of the Act.
- 3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.

e) General Fees

- 1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is \$20.
- 2) Change of Name or Address. The fee for 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

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when no license is issued.

- 3) Certification of Record. The fee for certification of a licensee's record for any purpose is \$20.
- 4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.
- 5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, cosmetology clinic teachers, barbers, barber teachers, estheticians, esthetics teachers, esthetics clinic teachers, nail technicians, nail technology teachers, nail technology clinic teachers, cosmetology schools, esthetics schools, nail technology schools, barber schools, and shops and salons is the actual cost of producing such a roster.
- 6) Inactive Status. The fee to place a license on inactive status, other than during renewal, is \$20.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART D: COSMETOLOGY

Section 1175.400 Examination – Cosmetology

- a) Eligibility.
 - 1) Each applicant must meet the requirements in either Section 3-2(a), (b) and (c) or 3-3(a), (b) and (c) of the Act prior to filing an application for the Department authorized cosmetology examination.
 - 2) An applicant's training must be received from a school of cosmetology approved by the Department that meets the requirements set forth in Subpart E of this Part.
- b) Application. Each applicant shall file an application for examination, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
 - 1) An official transcript showing successful completion of the required training outlined in Section 3-2(c) or 3-3(c) of the Act; official transcripts

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showing successful completion of remedial training when required by Section 1175.410(c) of this Part and a passing grade on the final examination administered by the school as set forth in Section 1175.540;

- 2) A request, if desired, to take the written examination in the Spanish language;
- 3) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any documents submitted;
- 4) If licensed as a cosmetologist in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;
- 5)4) A complete work history since graduation from cosmetology school; and
- 6)5) The required examination fee.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.405 Examination – Cosmetology Teacher and Cosmetology Clinic Teacher

- a) Eligibility. Each applicant must meet the requirements in Section 3-4(a), and (b), ~~(c), (d) and (e)~~ of the Act prior to filing an application for the cosmetology teacher examination.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
 - 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any document submitted;
 - 2) The required examination fee;
 - 3) For cosmetology teacher:
 - A) An official transcript from an approved school of cosmetology

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showing successful completion of a program of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist; or

- B) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of a program of 1000 hours of teacher training as outlined in Section 1175.535 of this Part; and

If licensed as a cosmetology teacher in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;

- 4) For cosmetology clinic teacher: An official transcript from an approved school of cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application;
- 5) A complete work history since graduation from cosmetology school; and
- 6) A copy of the applicant's current Illinois cosmetology license.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.410 Examination Requirements

- a) Examinations shall be administered by the Department or its designated testing service and shall cover subject matter as set forth in Section 3-6 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
- 1) A cosmetology applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of a 250 hour refresher course prior to taking the examination a fourth time.

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- 2) A cosmetology teacher or cosmetology clinic teacher applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school showing successful completion of 80 hours of additional study in teaching methodology and educational psychology prior to taking the examination a fourth time.
- 3) Upon failing the fourth examination an applicant must submit an official transcript from an approved cosmetology school showing successful repetition of the entire ~~course~~ program of training prior to taking the examination a fifth time.
- 4) For purposes of the examination retakes, the fifth attempt shall count as the first.
- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1), (2) and (3) ~~above~~.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.415 Application for Licensure

- a) Each applicant shall submit to the Department:
 - ~~1)a)~~ A signed and completed licensure application that the applicant will receive with the notification of successful completion of the examination;
 - ~~2)b)~~ Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - ~~3)c)~~ The required fee set forth in Section 1175.100.
- b) Any licensed nail technology teacher or licensed esthetics teacher shall not be required to take the examination set forth in Section 1175.405.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

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Section 1175.420 Endorsement

- a) An applicant who is currently licensed as a cosmetologist in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, that shall include:
 - 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the schools ~~school(s)~~ attended by the applicant showing the programs ~~courses~~ completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:
 - A) The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or
 - B) The applicant is applying under Section 3-8 of the Act;
 - 5) A complete work history showing all employment since graduation from cosmetology school to present;
 - 6) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in

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the application review. The Department will make such a request if the application materials are incomplete.

- b) An applicant who is currently licensed as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction and who is seeking licensure as a cosmetology teacher or cosmetology clinic teacher in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:
- 1) A certification from the state of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the schools ~~school(s)~~ attended by the applicant showing the programs ~~courses~~ completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or
 - C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is

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applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;

- 5) A complete work history showing all employment since graduation from basic cosmetology school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Department in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as a cosmetologist or cosmetology teacher or cosmetology clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.425 Renewals

- a) Every license issued under the Act shall expire as follows:

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- 1) Cosmetology teacher, cosmetology clinic teacher and cosmetology school licenses shall expire on September 30 of each even numbered year.
 - 2) Cosmetologist licenses shall expire on September 30 of each odd numbered year. A prerenewal period is the 24 month period preceding September 30th in the year of renewal.
 - 3) The holder of a license may renew that license during the month preceding its expiration date.
- b) Applicants for renewal shall:
- 1) Return a completed renewal application.
 - 2) Cosmetologist – Certify on the renewal application to successful completion of a minimum of 14 hours of continuing education from a cosmetology sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license, if renewing a cosmetology license.
 - 3) Cosmetology Teacher and Cosmetology Clinic Teacher – Certify on the renewal application to successful completion of a minimum of 24 hours of continuing education from a sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to renewal if renewing a cosmetology teacher or cosmetology clinic teacher license. ~~Ten of 24 hours shall be in the following areas~~ ~~Ten of those hours shall be in the following areas:~~
 - A) Teaching methodology;
 - B) Educational psychology;
 - C) Classroom management; or
 - D) Other teaching related courses.
 - 4) Submit the required fee set forth in Section 1175.100.
- c) A renewal applicant is not required to comply with continuing education for the

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first renewal after issuance of original license.

- d) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.
- e) 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 renew a license.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART E: COSMETOLOGY SCHOOLS

Section 1175.520 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire ~~course~~ program work of each student. The official transcript shall contain the following information:
 - 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and

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- 10) Graduation date.
- b) The official transcript and school records for each student who completed the program shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.
 - 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Department. Such records shall be accessible to Department officials for inspection.
- c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.
- d) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations set forth in the enrollment agreement set forth in Section 3B-12 of the Act.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.525 Recordkeeping – Hours Earned

- a) Student Hours. A licensed school of cosmetology, esthetics and nail technology shall have a written, published attendance policy.
- 1) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the program length or may allow excused absences for not more than 10 percent of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in school's curricula.

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- 2) Student attendance policies shall be written and applied uniformly and fairly.
- 3) The school must maintain documentation of excused absences for a period of not less than 5 years.
- 4) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b)a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- c)b) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- d)e) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.
- e)d) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student, signature of supervising licensed instructor.
- f)e) Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed monthly report to the student showing the actual number of hours earned by the student.
- g)f) Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
- h)g) An hour is 60 minutes of instruction but not less than 50 minutes~~nor more than 60 minutes of instruction.~~

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- ~~i)~~ A licensed instructor shall supervise all classroom and practical instruction. No credit shall be given for unsupervised study.
- ~~ii)~~ A cosmetology student is not permitted to serve the public until he/she has successfully completed a combination of the 150 hours of basic training requirements specified in Section 1175.530(a) of this Part.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.530 Curriculum Requirements – Cosmetology

Each licensed cosmetology school shall provide a program consisting of a minimum of 1500 clock hours or a 50 credit hour equivalency (1 credit hour equals 30 clock hours) of ~~course~~ instruction as follows:

- a) Basic Training – 150 hours of classroom instruction in general theory and practical application shall be provided which shall include a minimum of the following subject areas:
- tools and their use
 - shampoo
 - understanding chemicals and use
 - types of hair
 - sanitation
 - hygiene
 - skin diseases and conditions
 - anatomy and physiology
 - electricity
 - ethics
 - nail technology

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esthetics

- b) Practical Chemical Application/Hair Treatment – 500 hours of instruction, which shall be a combination of classroom instruction and hands on experience, shall be provided in the following subject areas:

chemical safety

permanent waving

hair coloring, tinting and bleaching

hair relaxing

hair and scalp conditioning

shampooing, toning and rinsing

- c) Hair Styling/Hair Dressing – 475 hours of instruction in hair styling, which shall be a combination of classroom instruction and hands on experience, shall be provided in the following subject areas:

cutting

thinning

shaping

trimming

application of electrical/mechanical equipment

curling

hair treatments

marcelling

- d) Shop Management, Sanitation and Interpersonal Relations – 200 hours of

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classroom instruction shall be provided in the following subject areas:

labor law

workers' compensation

client relations

bookkeeping

marketing and merchandising

emergency first aid

right-to-know laws

pertinent State and local laws and rules

business ethics

sanitation

electrical devices

personal grooming and hygiene

- e) Esthetics – 85 hours of instruction shall be provided. |
- f) Nail Technology – 55 hours of instruction shall be provided
- g) Electives – 35 hours
- h) Internship program is an optional part of the curriculum. Each licensed cosmetology school may choose to set up an internship program and shall follow the guidelines set forth in this subsection: below. |
 - 1) An internship program:
 - A) May be substituted for 150 hours of the 1500 hours as set forth in this Section.

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- B) May be part of the curriculum of a licensed cosmetology school and shall be an organized preplanned training program designed to allow a student to learn hair dressing, sanitation, safety and shop management, hair treatment, nail technology and esthetics under the direct supervision of a licensed cosmetologist in a registered salon.
- 2) A student in the internship program:
- A) May participate in an internship program only after completing 750 hours of training with a minimum average grade of 80. A school may, however, set the average grade higher and set other standards that a student must meet to participate in the internship program.
 - B) May not spend more than 150 hours in an internship program.
 - C) May not be paid while participating in this internship program as it is a part of the cosmetology curriculum of the school.
 - D) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - E) Shall be under the direct on site supervision of a licensed cosmetologist. Only 1 student shall be supervised by 1 licensed cosmetologist.
- 3) A licensed cosmetology school shall state clearly in the student contract that the school offers an internship program.
- 4) The licensed cosmetology school shall enter into a contract with the student, the registered salon and licensed cosmetologist. The contract shall contain all the provisions set forth in subsection (h)(2) of this Section and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist. Any party to the contract may terminate the contract at any time. ~~i)All existing schools have until July 1, 1998, to comply with the requirements of this Section.~~

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(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.535 Curriculum Requirements – Cosmetology Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher program curriculum that includes a minimum of 1000 clock hours or a 34 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) 500 hours of Post-Graduate School Training that includes all subjects in the basic cosmetology curriculum in Section 1175.530 including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include preparation and organization of subject matter to be presented on a unit by unit basis and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.

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- 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program curriculum for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in subsection (a) of this Section with the exception of the 500 hours of Post-Graduate Training.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.536 Curriculum Requirements – Cosmetology Clinic Teacher

- a) An approved school that intends to provide cosmetology clinic teacher training must utilize a teacher program curriculum that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
 - 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.
 - 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed cosmetology teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic

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portion of the basic cosmetology curriculum.

- b) The approved curriculum for a 250 hour Clinic Teacher Training Program Course shall be based upon 2 years of practical experience.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.545 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Department the following:
- 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
 - 2) A signed and completed school application;
 - 3) A floor plan drawn to scale if any expansion is to be done by the new owner;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
 - 5) A copy of the enrollment agreement that will be utilized by the new owner;
 - 6) A copy of the written, published attendance policy that will be utilized by the new owner;
 - 7)6) If owner is a corporation, a copy of the Articles of Incorporation;
 - 8)7) If owner is a partnership, a listing of all partners and their addresses;
 - 9)8) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the school site;
 - 10)9) A financial statement prepared by a public accountant licensed by the Department pursuant to the Illinois Public Accounting Act who is not an

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employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

~~11)40)~~ If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and

~~12)44)~~ The required fee set forth in Section 1175.100.

- b) Once the above items have been received, the Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART G: ESTHETICS

Section 1175.700 Examination – Esthetics

- a) Eligibility. Each applicant must meet the following requirements:
- 1) Be at least 16 years of age.
 - 2) Pursuant to Section 3A-2 of the Act:
 - A) Be a high school graduate or its equivalent or be beyond the age of compulsory school attendance; and
 - B) Graduate from an esthetics or cosmetology school approved by the Department to teach esthetics in accordance with Subpart H of this Part, which includes a 750 hour program ~~hours~~ in the study of esthetics extending over a period of not less than 18 weeks nor more than 4 consecutive years.
- b) Application. Each applicant shall file an application for examination, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required training outlined in subsection (a) above and a passing grade on the final examination administered by the school as set forth in Section 1175.845;

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or official transcripts showing successful completion of remedial training (125 hour refresher course) when required by Section 3A-2 of the Act;

- 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on the supporting documents;
- 3) If licensed as an esthetician or holding a related license in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice;
- ~~4)3)~~ A complete work history since graduation from an esthetics school or a cosmetology school approved to teach esthetics; and
- ~~5)4)~~ The required fee set forth in Section 1175.100.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.705 Examination – Esthetics Teacher and Esthetics Clinic Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination.
 - 1) Be at least 18 years of age;
 - 2) Be a high school graduate or its equivalent;
 - 3) Hold a current license as a cosmetologist or esthetician;
 - 4) For esthetics teacher:
 - A) Complete a program of 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or
 - B) Complete a program of 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school; and

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- 5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on supporting documents;
 - 2) The required fee set forth in Section 1175.100;
 - 3) For an esthetics teacher:
 - A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a 500 hour program hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or
 - B) An official transcript from an approved school of esthetics or cosmetology showing completion of a program (see Subpart H or Subpart E) showing successful completion of 750 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part;
 - 4) For an esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist;
 - 5) A complete work history since graduation from an esthetics or cosmetology school;

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- 6) A copy of the applicant's current Illinois esthetician or cosmetology license;
- 7) For any person who holds a cosmetologist's license, a certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and
- 8) If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.710 Examination Requirements

- a) Examinations shall be administered by the Department or its designated testing service for estheticians, esthetics teachers and esthetics clinic teachers and shall cover subject matter as set forth in Section 3A-5 of the Act.
- b) The passing grade on each examination is 75.
- c) Retakes
 - 1) Esthetician. An applicant who fails to pass a third examination to become a licensed esthetician must submit an official transcript from a cosmetology school approved to teach esthetics or an esthetics school approved by the Department showing successful completion of a 125 hour refresher course prior to taking the examination a fourth time.
 - 2) Esthetics Teacher or Esthetics Clinic Teacher. An applicant who fails to pass a third examination to become a licensed esthetics teacher or esthetics clinic teacher must submit an official transcript from a licensed esthetics or cosmetology school approved to instruct esthetics teachers showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
 - 3) An applicant, upon failing the fourth examination to become a licensed

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esthetician, esthetics teacher or esthetics clinic teacher, must submit an official transcript from an approved esthetics or cosmetology school showing successful repetition of the entire ~~course~~ program of training prior to taking the examination a fifth time.

- 4) For purposes of the examination retakes, the fifth attempt shall count as the first.
- 5) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) ~~above~~.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.715 Application for Licensure

- a) Applicants for licensure based on examination shall submit to the Department:
 - 1) A signed and completed licensure application which the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee set forth in Section 1175.100.
- b) Cosmetology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.705. An application shall be submitted to the Department which includes:
 - 1) A copy of their current cosmetology teacher license;
 - 2) A complete work history since completion of teacher training;
 - 3) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics; and

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- 4) The required fee set forth in Section 1175.100.
- c) A licensed cosmetology teacher who will be teaching esthetics in an approved esthetics school or in a cosmetology school approved to teach esthetics, however, will be required to submit a written request to the Department notifying it of his/her intent to teach esthetics.
- 1) The written request shall be accompanied by:
 - A) A copy of his/her cosmetology teacher license; and
 - B) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. Such certificate shall be from the school of cosmetology or esthetics or the manufacturer of such machines used in esthetics.
 - 2) The Department shall issue a letter of authority to the individual that he/she is approved to teach esthetics in Illinois.
- d) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice esthetics or a licensed cosmetology teacher to obtain a license to practice or to teach esthetics.
- e) [Nail technology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.710. An application shall be submitted to the Department that includes:](#)
- 1) [A copy of his/her current nail technology teacher license;](#)
 - 2) [A copy of his/her esthetics license;](#)
 - 3) [A complete work history since obtaining a nail technology teacher license;](#)
 - 4) [Either:](#)
 - A) [Proof of two years experience as an esthetician; or](#)
 - B) [An official transcript verifying completion of 250 hours of Post-Graduate School Training that includes all subjects in the](#)

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basic esthetics curriculum in Section 1175.835, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and

5) The required fee set forth in Section 1175.100.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.720 Endorsement

- a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:
 - 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;
 - 2) Official transcripts from the schools school(s) attended by the applicant showing the programs courses completed and the hours received with the school seal affixed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) A complete work history showing all employment since graduation from esthetics school to present;
 - 5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
 - 6) The required fee set forth in Section 1175.100; and
 - 7) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the

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application materials are incomplete.

- b) An applicant who is currently licensed as an esthetics teacher or esthetics clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:
- 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the grades received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the ~~schools~~ ~~school(s)~~ attended by the applicant showing the ~~programs~~ ~~courses~~ completed and the hours received with the school seal affixed;
 - 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or
 - B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or
 - C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;
 - 5) A complete work history showing all employment since graduation from basic esthetics school to present;

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- 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Department in the application review. The Department will make such a request if the application materials are incomplete.
- c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Department. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.
- d) An applicant applying for licensure as an esthetician, esthetics teacher or esthetics clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.825 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire program course work of each student. The official transcript shall contain the following information:

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- 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of owner, registrar or director of the school;
 - 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours citing the name and address of school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.
 - 2) If records cannot be maintained on the premises in locked fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Department. Such records shall be accessible to Department officials for inspection.
- c) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.
- d) A copy of the transcript shall be given to the student upon graduation or other

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permanent exit from the school provided the student has met all financial obligations ~~established set forth~~ in the enrollment agreement as set forth in Section 1175.815.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.830 Recordkeeping – Hours Earned

- a) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the program length or may allow excused absences for not more than 10 percent of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.
- 1) Student attendance policies shall be written and applied uniformly and fairly.
- 2) The school must maintain documentation of excused absences for a period of not less than 5 years.
- 3) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b)a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- c)b) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- d)e) Credit for hours earned away from school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed esthetician or licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, films, demonstrations and internship training in a registered salon.
- e)d) Hours earned away from the school premises shall be recorded on school time

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forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student and signature of supervising, licensed instructor.

- ~~f)e)~~ Instructors shall review the hours earned by each student monthly. Each month the instructor shall issue a signed written monthly report to the student showing the actual number of hours earned by the student.
- ~~g)f)~~ Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript.
- ~~h)g)~~ An hour is ~~not less than 50 nor more than~~ 60 minutes of instruction but not less than 50 minutes.
- ~~i)h)~~ A licensed instructor shall supervise all classroom, practical and clinical instruction. No credit shall be given for unsupervised study.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.835 Curriculum Requirements – Esthetics

- a) Each licensed cosmetology school teaching an esthetics curriculum and each licensed esthetics school shall provide a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of ~~course~~ instruction as follows:
 - 1) Basic Training – 75 hours of classroom instruction in general theory and practical application shall be provided which shall be divided into the following subject areas:
 - history of skin care
 - personal hygiene and public health
 - professional ethics
 - sterilization and sanitation
 - introduction to skin analysis and skin care and facial treatments

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- 2) Scientific Concepts – 150 hours of classroom instruction shall be provided in the following subject areas:

cells, metabolism and body systems

bacteriology

physiology and histology of the skin

human anatomy

chemistry – understanding chemicals and their use

disorders of the skin and special esthetics procedures

- 3) Practices and Procedures – 500 hours of instruction, which shall be a combination of classroom instruction and clinical application, shall be provided in the following subject areas:

non-therapeutic massage, excluding the scalp

nutrition and health of skin

skin analysis

cleansing the skin

mask therapy and facial treatments

facial treatments without the aid of machines

electricity, machines and apparatus

facial treatments with the aid of machines

hair removal; including tweezer method, depilators, waxing and their use

professional makeup techniques

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product knowledge as it relates to esthetics

- 4) Business Practices – 25 hours of classroom instruction shall be provided in the following subject areas:

Illinois Barber, Cosmetology, Esthetics and Nail Technology Act and Rules management

OSHA standards relating to chemical use

- 5) Internship Program is an optional part of the curriculum. Each licensed esthetics school may choose to set up an internship program and shall follow the guidelines set forth below:

A) An internship program:

- i) May be substituted for 75 hours of the 750 hours set forth in this subsection (a).
- ii) May be part of the curriculum of a licensed esthetics school and shall be an organized preplanned training program designed to allow a student to learn esthetics under the direct supervision of a licensed cosmetologist or licensed esthetician in a registered salon.

B) A student in the internship program:

- i) May participate in an internship program only after completing 375 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.
- ii) May not spend more than 75 hours in an internship program.
- iii) May not be paid while participating in this internship program as it is a part of the esthetics curriculum of the school.

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- iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.
 - v) Shall be under the direct on-site supervision of a licensed cosmetologist or licensed esthetician. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed esthetician.
 - C) A licensed esthetics school shall state clearly in the student contract or enrollment agreement that the school offers an internship program.
 - D) The licensed esthetics school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed esthetician. The contract shall contain all of the provisions set forth in this subsection (a)(5) and any other requirements of the internship program established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed esthetician. Any party to the contract may terminate the contract at any time.
- b) An esthetics student is not permitted to practice on the public until the successful completion of 75 hours of basic training specified in subsection (a)(1)~~above~~.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.840 Curriculum Requirements – Esthetics Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher curriculum which includes a program consisting of a minimum of 750 clock hours or a 25 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
 - 1) 250 hours of Post-Graduate School Training that includes: all subjects in the basic esthetics curriculum in Section 1175.835 including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology that shall include, but not be limited

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to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Educational Psychology at an accredited college or university.

- 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of esthetics teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods that include: Inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program curriculum for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of the Teacher Training Curriculum outlined in this Section with the exception of the 250 hours of Post-Graduate Training.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.841 Curriculum Requirements – Esthetics Clinic Teacher

- a) An approved school that intends to provide esthetics clinic teacher training must utilize a teacher curriculum that includes a program consisting of a minimum of

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250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:

- 1) 20 hours of Educational Psychology that shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.
 - 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.
 - 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.
- b) The approved program curriculum for a 250 hour Clinic Teacher Training Course shall be based upon 2 years of practical experience.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.850 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Department the following:
 - 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on

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the date of the transfer and remain closed until a new certificate is issued;

- 2) A signed and completed school application;
 - 3) A floor plan if any expansion is to be done by the new owner;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;
 - 5) A copy of the enrollment agreement that will be utilized by the new owner;
 - 6) A copy of the written, published attendance policy that will be utilized by the new owner;
 - ~~7)6)~~ If owner is a corporation, a copy of the Articles of Incorporation;
 - ~~8)7)~~ If owner is a partnership, a listing of all partners and their addresses;
 - ~~9)8)~~ A signed inspection report by the local fire inspection authority within 6 months prior to application approving the school site;
 - ~~10)9)~~ A financial statement prepared by a public accountant licensed by the Department pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
 - ~~11)10)~~ If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and
 - ~~12)11)~~ The required fee set forth in Section 1175.100.
- b) Once the above items have been received, the Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if the requirements of Subpart H have been met.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART J: NAIL TECHNOLOGY

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Section 1175.1001 Examination – Nail Technician

- a) Eligibility. Each applicant must meet the following requirements:
- 1) Be at least 16 years of age.
 - 2) Pursuant to Section 3C-2 of the Act:
 - A) Be a graduate of an eighth grade elementary school or its equivalent; and
 - B) Be a graduate of a cosmetology or nail technology school approved by the Department to teach nail technology in accordance with Subpart K of this Part, that includes a program of 350 hours in the study of nail technology extending over a period of not less than 8 weeks nor more than 2 consecutive years.
- b) Application. Each applicant shall file an application for examination, on forms provided by the Department, at least 45 days prior to an examination date. The application shall include:
- 1) An official transcript showing successful completion of the required program training outlined in subsection (a)(2)(B) ~~above~~ and a passing grade on the final examination administered by the school as set forth in Section 1175.1145; or, for those retaking the Department examination after 2 unsuccessful attempts, official transcripts showing successful completion of remedial training (60 hour refresher course) as required by Section 3C-7 of the Act;
 - 2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;
 - 3) A complete work history since graduation from a nail technology school or a cosmetology school approved to teach nail technology; and
 - 4) The required fee set forth in Section 1175.100 of this Part.
- c) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology school or nail

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technology school.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1005 Examination – Nail Technology Teacher or Nail Technology Clinic Teacher

- a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:
- 1) Be at least 18 years of age;
 - 2) Have graduated from high school or its equivalent;
 - 3) Hold a current license as a cosmetologist or nail technician;
 - 4) For nail technology teacher, either:
 - A) Have completed a 500 hour program hours of teacher training in an approved cosmetology or nail technology school and have at least 2 years of full-time experience as a practicing nail technician; or
 - B) Have completed a 625 hour program hours of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100; and
 - 5) For nail technology clinic teacher, have completed a 250 hour program hours of clinic teacher training in an approved cosmetology or nail technology school and have at least 2 years of practical experience within 5 years prior to application.
- b) Application. Each applicant shall file an application, on forms provided by the Department, at least 45 days prior to the examination date. The application shall include:
- 1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;

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- 2) The required fee set forth in Section 1175.100;
- 3) For nail technology teacher, either:
 - A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of a 500 hour program hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or
 - B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of a 625 hour program hours of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part;
- 4) For nail technology clinic teacher, an official transcript from an approved school of nail technology or cosmetology showing successful completion of a 250 hour program hours of clinic teacher training as outlined in Section 1175.1141 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician;
- 5) A complete work history since graduation from a nail technology or cosmetology school;
- 6) A copy of the applicant's current Illinois nail technology or cosmetology license; and
- 7) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1010 Examination

- a) Examinations shall be administered by the Department or its designated testing service for nail technicians, nail technology teachers and nail technology clinic teachers and shall cover subject matter as set forth in Section 3C-7 of the Act.

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- b) The passing score on each examination is 75.
- c) Retakes for Nail Technicians
 - 1) An applicant who fails to pass a third examination for licensure as a nail technician must submit an official transcript from a cosmetology school approved to teach nail technology or a nail technology school approved by the Department showing successful completion of a 60 hour refresher course prior to taking the examination a fourth time.
 - 2) An applicant upon failing the fourth examination must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire ~~program course~~ of nail technology training prior to taking the examination a fifth time.
 - 3) For purposes of examination retakes, the fifth attempt shall count as the first.
 - 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (c)(1) and (2) ~~above~~.
- d) Retakes for Nail Technology Teachers or Nail Technology Clinic Teachers
 - 1) An applicant who fails to pass a third examination must submit an official transcript from a licensed cosmetology school approved to teach nail technology teachers or nail technology clinic teachers or a licensed nail technology school approved to teach nail technology showing successful completion of an 80 hour refresher course prior to taking the examination a fourth time.
 - 2) An applicant, upon failing the fourth examination, must submit an official transcript from an approved nail technology or cosmetology school showing successful repetition of the entire ~~program course~~ of teacher training prior to taking the examination a fifth time.
 - 3) For purpose of examination retakes, the fifth attempt shall count as the first.

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- 4) An applicant shall make a written request for an examination retake at least 45 days in advance of the examination date. Such a request must include the required examination fee and official transcripts when further study is required in accordance with subsections (d)(1) and (2) of this Section.
- 5) If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1015 Application for Licensure

- a) Applicants for licensure based on successful completion of the examination shall submit to the Department:
 - 1) A completed and signed licensure application that the applicant will receive with the notification of successful completion of the examination;
 - 2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and
 - 3) The required fee as set forth in Section 1175.100.
- b) Any cosmetology teacher licensed in Illinois who is applying for a nail technology teacher's license shall not be required to take the examination set forth in Section 1175.1005. An application shall be submitted to the Department that includes:
 - 1) A copy of his/her current cosmetology and cosmetology teacher license;
 - 2) A complete work history since completion of teacher training; and
 - 3) The required fee set forth in Section 1175.100.
- c) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.

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- d) Esthetics teachers licensed in Illinois who are applying for a nail technician teacher's license will not be required to take the examination set forth in Section 1175.1010. An application shall be submitted to the Department that includes:
- 1) A copy of his/her current esthetics teacher license;
 - 2) A copy of his/her current nail technician license;
 - 3) A complete work history since completion of esthetics teacher training;
 - 4) Either:
 - A) Proof of two years experience as a nail technician; or
 - B) An official transcript verifying completion of 250 Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.1140, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 5) The required fee set forth in Section 1175.100.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1020 Endorsement

- a) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:
- 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the scores received; and
 - B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

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- 2) Official transcripts from the school school(s) attended by the applicant showing the program courses completed and the hours received with the school seal affixed;
- 3) Certification of current licensure if other than original licensure;
- 4) A complete work history showing all employment since graduation from nail technology school to present;
- 5) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;
- 6) The required fee set forth in Section 1175.100; and
- 7) Successful completion of the Illinois Nail Technician Licensure Examination.

An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology or nail technology school.

If the nail technology school from which the applicant graduated has closed, verification of education hours must come from the original state of licensure.

- b) An applicant currently licensed as a nail technology teacher or nail technology clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Department, which shall include:
 - 1) A certification from the jurisdiction of original licensure stating:
 - A) A brief description of any licensure examination taken and the scores received; and
 - B) Whether the applicant's file contains any record of disciplinary action taken or pending;
 - 2) Official transcripts from the schools school(s) attended by the applicant showing the program courses completed and the hours received with the

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school seal affixed;

- 3) Certification of current licensure if other than original licensure;
 - 4) Either:
 - A) Two Verification of Employment forms submitted by the applicant who completed at least a 500 hour program hours of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or
 - B) Two Verification of Employment forms shall be submitted by the applicant who completed at least a 250 hour program hours of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or
 - C) Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful practice as a nail technology teacher in another jurisdiction;
 - 5) A complete work history showing all employment since graduation from basic nail technology school to present;
 - 6) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;
 - 7) The required fee set forth in Section 1175.100; and
 - 8) Successful completion of the Illinois Nail Technician Teacher Licensure Examination.
- c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Department. A

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certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1025 Renewals

- a) Every nail technician, nail technology teacher, nail technology clinic teacher and nail technology school license shall expire on October 31 of each even numbered year. The holder of a license may renew the license during the month preceding its expiration date.
- b) Applicants for renewal shall:
 - 1) Return a completed renewal application.
 - 2) Nail Technician. Certify on the renewal application that they have successfully completed a minimum of 10 hours of continuing education from a sponsor registered with the Department in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license.
 - 3) Nail Technology Teacher and Nail Technology Clinic Teacher. Certify on the renewal application that they have successfully completed a minimum of 20 hours of continuing education from a sponsor registered with the Department, in accordance with Section 1175.1200 of this Part, within the 2 years prior to the expiration date of the license. Ten of the 20 hours shall be in the following areas:
 - A) Teaching Methodology;
 - B) Educational Psychology;
 - C) Classroom Management; or
 - D) Other teaching related courses.
 - 4) Submit the required fee set forth in Section 1175.100.
- c) A renewal applicant is not required to comply with continuing education

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requirements for the first renewal after issuance of the original license.

- d) The Department may require additional evidence demonstrating compliance with the continuing education requirements (i.e., certificate of attendance or certificate of completion). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such evidence shall be required in the context of the Department's random audit.
- e) 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 renew a license.
- f) Practicing or operating on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 4-7 of the Act.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1030 Restoration – Nail Technician

- a) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for less than 5 years shall submit an application on forms provided by the Department and:
 - 1) Pay the required fee as set forth in Section 1175.100; and
 - 2) Provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200(c).
- b) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for 5 years or more shall submit an application on forms provided by the Department along with:
 - 1) Verification of employment, attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;
 - 2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed. An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing

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successful completion of a 60 hour nail technology refresher course from an approved cosmetology or nail technology school or pass the examination set forth in Section 1175.1001 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of continuing education;

- 3) A complete work history showing all employment since the Illinois license lapsed;
 - 4) A completed Restoration Questionnaire;
 - 5) Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and
 - 6) The required fee as set forth in Section 1175.100.
- c) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.
- d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1125 Recordkeeping – Transcripts

- a) Each school shall provide an official transcript showing the entire ~~course~~ program work of each student. The official transcript shall contain the following information:
- 1) School name and address;
 - 2) School seal;
 - 3) School license number;
 - 4) Signature of the owner, registrar or director of the school;

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- 5) Student's name, address and social security number;
 - 6) Actual dates student attended;
 - 7) Subject areas, hours earned and grades received;
 - 8) Any transfer hours, citing the name and address of the school transferred from, subject areas, hours earned and grades received;
 - 9) Final examination grades; and
 - 10) Graduation date.
- b) The official transcript and school records for each student shall be permanently maintained by the school in the following manner:
- 1) If maintained on the school premises, they shall be maintained in a locked, fire-resistant cabinet. If official transcripts are maintained on a computer system, history tapes or discs of all official records must be stored in a locked, fire-resistant cabinet.
 - 2) If records cannot be maintained on the premises in locked, fire-resistant cabinets, duplicate student records, including the official transcripts, shall be maintained at a separate location that shall be made known to the Department. Such records shall be accessible to Department officials for inspection.
- c) A copy of the transcript shall be given to the student upon graduation or other permanent exit from the school provided the student has met all financial obligations in the enrollment agreement as set forth in Section 1175.1115.
- d) An official transcript and school records for students who withdrew or dropped out of a program shall be maintained by the school for 7 years from the student's first day of attendance at the school.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1130 Recordkeeping – Hours Earned

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- a) When determining student hours, a school may define its attendance requirements to include 100 percent attendance for the program length or may allow excused absences for not more than 10 percent of the program for satisfactory completion. Satisfactory completion is defined as completion of all theory and practical work as outlined in the school's curricula.
- 1) Student attendance policies shall be written and applied uniformly and fairly.
- 2) The school must maintain documentation of excused absences for a period of not less than 5 years.
- 3) The school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the school is being met.
- b)a) A complete and accurate record of hours of attendance for each student must be recorded and maintained by the school.
- c)b) If a time clock is used, each student shall punch his/her own time card. No student, teacher or any other person shall punch the time card of another student. If a time clock is not used, there shall be another verifiable method used by the school to record student hours. The records must be in a form that allows the student to receive a written report of hours earned. This report of hours earned shall be provided to the student on a monthly basis.
- d)e) Credit for hours earned away from the school premises shall be awarded only if students are supervised by a licensed instructor or by a licensed nail technician or a licensed cosmetologist in the case of an internship. Credit hours for outside study may include workshops, educational programs, film demonstrations and internship training in a registered salon.
- e)d) Hours earned away from the school premises shall be recorded on school time forms. These forms shall include: the school seal, name of student, event or program attended, date attended, signature of student and signature of supervising licensed instructor.
- f)e) Instructors shall review monthly the hours earned by each student. Each month the instructor shall issue a signed written report to the student showing the actual number of hours earned by the student.

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- ~~g)~~ Time cards may be destroyed upon the student's permanent exit from the school and after all hours earned are recorded on the official transcript. The transcript shall be retained indefinitely.
- ~~h)~~~~g)~~ An hour is ~~not less than 50 nor more than~~ 60 minutes of instruction but not less than 50 minutes.
- ~~i)~~~~h)~~ A licensed instructor shall provide on-site supervision for all classroom, practical and clinical instruction. No credit shall be given for unsupervised study.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1135 Curriculum Requirements – Nail Technology

- a) Each licensed cosmetology school teaching a nail technology curriculum and each licensed nail technology school shall provide a program consisting of a minimum of 350 clock hours or a 12 credit hour equivalency (1 credit hour equals 30 clock hours) hours of ~~course~~ instruction as follows:
- 1) Basic Training – 50 hours of classroom instruction in general theory practical application (i.e., practicing nail technology on the public) and technical application (e.g., practicing the technical application on mannequin ~~fingers~~ finger(s) or on the ~~fingers~~ finger(s) of another student) shall be provided in the following subject areas:
 - A) History of nail care;
 - B) Personal hygiene and public health;
 - C) Professional ethics;
 - D) Sterilization and disinfection;
 - E) Bacteriology;
 - F) Disorders of the nails;
 - G) OSHA standards relating to material safety data sheets (MSDS) on chemicals;

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- H) Chemicals and their use; and
 - I) Technical applications of chemicals.
- 2) Related concepts – 15 hours of classroom instruction shall be provided in the following subject areas:
- A) Cells, metabolism and body systems;
 - B) Theory of massage; and
 - C) People skills.
- 3) Practices and Procedures – 255 hours of instruction, which shall be a combination of classroom instruction and clinical practical application, shall be provided in the following subject areas:
- A) Fabric procedures;
 - B) Sculpting procedures;
 - C) Light cured gels;
 - D) Machines or apparatus used in nail technology;
 - E) Manicures;
 - F) Pedicures;
 - G) Hand, arm and foot massage;
 - H) Other procedures as they relate to nail technology; and
 - I) Product knowledge as it relates to nail technology.
- 4) Business Practices – 30 hours of classroom instruction shall be provided in the following subject areas:
- A) Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act and Rules;

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- B) Management;
 - C) OSHA standards relating to chemical use; and
 - D) Workers' Compensation Act.
- 5) Internship Program is an optional part of the curriculum. Each licensed nail technology school may choose to set up an internship program and shall follow the guidelines set forth below.
- A) An internship program:
 - i) May be substituted for 35 hours of the 350 hours set forth in this subsection (a).
 - ii) May be part of the curriculum of a licensed nail technology school and shall be an organized preplanned training program designed to allow a student to learn nail technology under the direct supervision of a licensed cosmetologist or licensed nail technician in a registered salon.
 - B) A student in the internship program:
 - i) May participate in an internship only after completing 175 hours of training and have a minimum average grade of 80. A school may set the average grade higher and set other standards that a student must meet to participate in the internship program.
 - ii) May not spend more than 35 hours in an internship program.
 - iii) May not be paid while participating in the internship program as it is a part of the nail technology curriculum of the school.
 - iv) May work a maximum of 8 hours a day and shall be required to spend 1 day a week at the school.

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- v) Shall be under the direct on-site supervision of a licensed cosmetologist or licensed nail technologist. Only 1 student shall be supervised by 1 licensed cosmetologist or licensed nail technologist.
 - C) A licensed nail technology school shall state clearly in the student contract that the school offers an internship program.
 - D) The licensed nail technology school shall enter into a contract with the student, the registered salon and licensed cosmetologist or licensed nail technologist that contains all of the provisions set forth in this Section and any other requirements of the internship established by the school. The contract shall be signed by the student, the school and the licensed cosmetologist or licensed technologist. Any party to the contract may terminate the contract at any point.
- b) A nail technology student is not permitted to practice on the public until he/she has successfully completed the 50 hours of general theory and practical application specified in subsection (a)(1) ~~above~~.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1140 Curriculum Requirements – Nail Technology Teacher

- a) An approved school that intends to provide teacher training must utilize a teacher ~~program curriculum~~ that includes a minimum of 625 clock hours or a 21 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
- 1) 125 hours of Post-Graduate School Training that includes all subjects in the basic nail technology curriculum in Section 1175.1135, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education.
 - 2) 20 hours of Educational Psychology which shall include, but not be limited to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of nail

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technology teacher students who have completed a course in Educational Psychology at an accredited college or university.

- 3) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom management, student motivation and classroom climate. These hours shall be waived on behalf of nail technology students who have completed a course in Teaching Methods – Secondary Level at an accredited college or university.
 - 4) 150 hours of Application of Teaching Methods that include: preparation and organization of subject matter to be presented on a unit by unit basis; and presentation of subject matter through application of varied methods (lecture, demonstration, testing and assignments). Presentations must provide teaching objectives to be accomplished and correlate theoretical with practical application.
 - 5) 50 hours of Business Methods that include: inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 6) 260 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall present theoretical and practical demonstrations to students in the basic curriculum.
- b) The approved program curriculum for a 500 hour Teacher Training Course shall be based upon 2 years of practical experience and shall consist of Teacher Training Curriculum outlined in Section 1175.1140 with the exception of the 125 hours of Post-Graduate Training.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1141 Curriculum Requirements – Nail Technology Clinic Teacher

- a) An approved school that intends to provide nail technology clinic teacher training must utilize a teacher program curriculum that includes a minimum of 250 clock hours or a 9 credit hour equivalency (1 credit hour equals 30 clock hours) of instruction as follows:
 - 1) 20 hours of Educational Psychology that shall include, but not be limited

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to, topics in educational objectives, student characteristics and development, the learning process and an evaluation of learning that relates to teaching. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Educational Psychology at an accredited college or university.

- 2) 20 hours of Teaching Methods (Theory) that shall include, but not be limited to, topics in individual differences in learning, lesson planning and design, lesson delivery, assessment of learning performance, classroom clinic management, student motivation and clinic climate. These hours shall be waived on behalf of cosmetology teacher students who have completed a course in Teaching Methods - Secondary Level at an accredited college or university.
 - 3) 10 hours of Business Methods that include inventory, recordkeeping, interviewing, supplies, the Illinois Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 and 68 Ill. Adm. Code 1175.
 - 4) 200 hours of Student Teaching under the on-site supervision of an Illinois licensed teacher. The student teacher shall supervise clinic students and present practical demonstrations to students in the clinic portion of the basic cosmetology curriculum.
- b) The approved curriculum for a 250 hour Clinic Teacher Training ~~Program~~ Course shall be based upon 2 years of practical experience. |

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1150 Change of Ownership

- a) When the ownership of an approved school changes, the new owner shall, within 5 working days from the date title to the school is transferred, mail to the Department the following:
 - 1) An affidavit stating that the contract is contingent on a certificate being issued to the new owner. If this is not provided, the school must close on the date of the transfer and remain closed until a new certificate is issued;
 - 2) A signed and completed school application;
 - 3) A floor plan if any expansion is to be done by the new owner;
 - 4) A copy of a lease agreement showing at least a 1 year commitment or certification of school site ownership;

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- 5) A copy of the enrollment agreement that will be utilized by the new owner;
- ~~6)~~ 6) A copy of the written, published attendance policy that will be utilized by the new owner;
- ~~7)~~ 7) If the owner is a corporation, a copy of the Articles of Incorporation;
- ~~8)~~ 8) If the owner is a partnership, a listing of all partners and their addresses;
- ~~9)~~ 9) A signed inspection report by the local fire inspection authority within 6 months prior to application approving the school site;
- ~~10)~~ 10) A certified financial statement prepared by a licensed public accountant who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;
- ~~11)~~ 11) If a name change is to also occur, the new owner must submit a sample of the new school seal and a photo of the new school sign; and
- ~~12)~~ 12) The required fee set forth in Section 1175.100.
- b) Once the above items have been received, the Department shall conduct an inspection prior to approval of the change of ownership. Approval will be granted if all of the requirements of Subpart K have been met.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART L: CONTINUING EDUCATION

Section 1175.1200 Sponsor Approval

- a) Sponsor, as used in this Section, shall mean *accredited universities and colleges, industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities* (Section 4-1.5(a)) that have been approved and authorized by the Department to coordinate and present continuing education courses or programs for cosmetologists, cosmetology teachers, estheticians, esthetics teachers, nail technicians or nail technology teachers.

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- b) A continuing education sponsor application shall be filed with the Department to be approved as a continuing education sponsor. The application shall include:
- 1) A copy of the Certificate of Attendance which shall contain the following information:
 - A) The CE sponsor registration number, name and address;
 - B) Category of CE (cosmetology, nail technician, esthetics);
 - C) Name and license number of the participant;
 - D) Number of hours awarded; and
 - E) Course title and date of course.
 - 2) A 3 hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.
 - 3) Name and address of the contact person responsible for all recordkeeping.
 - 4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart.
 - 5) The required fee set forth in Section 4-1.5(c) of the Act.
- c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. *No product sales shall be permitted during a continuing education program.* (Product sales/selling is any activity that involves a deal sheet or invoice or mention of ~~prices~~ ~~price(s)~~ or special deals. Such activities are prohibited during the presentation of continuing education programs.) *After the continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted.* (Section 4-1.5(e)(2)) A continuing education program or course must meet the following minimum requirements:
- 1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.

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- 2) Include a student evaluation of both instructor and the course.
- 3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. Such information shall be specified in all promotional materials.
- 4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:
 - A) Advanced product chemistry and chemical interaction;
 - B) The use of machines and implements;
 - C) Sanitary procedures;
 - D) Hazardous chemicals;
 - E) Exposure minimization;
 - F) Updated use of implements as they relate to applicable services under this Act;
 - G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or nails;
 - H) Human relations/communication skills; and
 - I) Management and marketing.
- 5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4) of this Section. ~~(Cosmetology, esthetics and nail technology teachers are required to complete 10 of the 20 CE hours in these areas.)~~
 - A) Teaching methodology;
 - B) Educational psychology; ~~and~~

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- C) Classroom management; or-
- D) Other teaching related courses.
- 6) Individual study courses (correspondence, audio or video courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed such course. (See Section 1175.1210(e).)
- d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. *Sponsors may delegate recordkeeping duties to one of their members or member groups.* (Section 4-1.5(a))
- e) CE sponsors shall be required to renew their approval every two years upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.
- f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the Department to provide continuing education.
- g) All sponsors approved by the Department as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this Part and the Act to continue to provide continuing education programs on or after October 1, 1996. *An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2).* (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "Presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

Section 1175.1215 Waiver of Continuing Education Requirements

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- a) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application along with the required renewal fee, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Committee. If the Department finds from such statement or any other evidence submitted or upon recommendation of the Committee, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- b) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
- 1) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - 2) An incapacitating illness documented by a currently licensed physician; or
 - 3) Hardship as defined in Section 3-7 of the Act:
 - A) The licensee resides in a locality where it is demonstrated that the absence of opportunities for such education would interfere with the ability of the licensee to provide services to the public.
 - B) That to comply with the continuing education requirements would cause a substantial financial hardship on the licensee.
- c) A licensed cosmetologist or cosmetology teacher who has held a license for 25 30 years and does not regularly work as a cosmetologist or cosmetology teacher for more than 14 16 hours per week or was is at least 62 years of age before January 1, 1999 shall not be required to comply with the continuing education requirements.
- d) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

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(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

SUBPART M: SHOP REGISTRATION

Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technician or Esthetics Salon Certificate of Registration

- a) Pursuant to Article IIID of the Act, all cosmetology, nail technician or esthetics salons and barber shops shall obtain a certificate of registration from the Department in order to operate in Illinois. A shop shall file an application with the Department, on forms supplied the Department. The application shall include the following:
- 1) Shop name, street and city address and telephone number;
 - 2) Shop owner's name, home address and home telephone number;
 - 3) If a partnership, a copy of the partnership agreement and all partners' home addresses and phone numbers; ~~and~~
 - 4) If a corporation, a copy of the Articles of Incorporation as filed with the Illinois Secretary of State and a list of all corporate officers and managers; ~~and-~~
 - 5) If the applicant is licensed in another profession covered under the Act, a license number must be provided.
- b) A separate certificate of registration is required for each shop location and a separate application shall be submitted to the Department.
- c) Change of Location. All registered shops/salons shall notify the Department of any change of address. The certificate of registration shall be returned to the Department and a new certificate of registration will be issued with the new address for a fee of \$20.
- d) Change of Ownership. When the ownership of the shop changes, the new owner shall be required to file a new application for a certificate of registration with the Department pursuant to Section 3D-5(c) of the Act.
- e) Change of Name. All registered shops/salons shall notify the Department of any

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change of business name. The certificate of registration shall be returned to the Department and a new certificate of registration will be issued with the new name for a fee of \$20.

- f)e) All certificates of registration shall expire on November 30 of even numbered years.

(Source: Amended at 27 Ill. Reg. 19293, effective December 11, 2003)

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- 1) Heading of the Part: Nursing and Advanced Practice Nursing Act - Advance Practice Nurse
- 2) Code Citation: 68 Ill. Adm. Code 1305
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1305.25	Amendment
1305.60	Amendment
1305.100	New Section
- 4) Statutory Authority: Nursing and Advanced Practice Nursing Act [225 ILCS 65].
- 5) Effective Date of Amendments: December 11, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: July 7, 2003, at 27 Ill. Reg. 9903.
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The requirement that Certificates of Attendance for CE include the sponsor's address has been deleted.
- 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 any emergency amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes, at 27 Ill. Reg. 17363, November 21, 2003.
- 15) Summary and Purpose of Amendments: This rulemaking adds Section 1305.100 to implement the continuing education requirement, as provided for in Section 15-45 of the Act. Other sections are amended to reflect this requirement.

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- 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:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 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
<u>1305.100</u>	<u>Continuing Education</u>
1305.APPENDIX A	Additional Certifications Accepted for Licensure as an Advanced Practice Nurse
1305.EXHIBIT A	Sample Written Collaborative Agreement
1305.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 2105/2105-15(7)].

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; emergency amendment at 26 Ill. Reg. 16845, effective November 4, 2002, for a maximum of 150

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days; amended at 27 Ill. Reg. 5829, effective March 24, 2003; amended at 27 Ill. Reg. 19365, effective December 11, 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.
 - 3) The fee for application as a continuing education sponsor is \$500.
- b) Renewal Fees.
 - 1) The fee for the renewal of a license as an advanced practice nurse shall be calculated at the rate of \$40 per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250 for a 2 year license.
- 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.
 - 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.

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- 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. 19365, effective December 11, 2003)

Section 1305.60 Renewals

- a) Every license issued under the Act shall expire on May 31 of each even numbered year. The first renewal of an advanced practice nurse license is 2004. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the May 31, 2006 renewal and every renewal thereafter, a renewal applicant will be required to complete 50 hours of continuing education as set forth in Section 1305.100 of this Part. A licensee's registered nurse license shall be renewed in order to renew the advanced practice nurse license.
- b) 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.
- c) Practice on a license that has expired is the unlicensed practice of advanced practice nursing and shall be grounds for discipline pursuant to Section 15-50 of the Act.

(Source: Amended at 27 Ill. Reg. 19365, effective December 11, 2003)

Section 1305.100 Continuing Education

The Department shall adopt rules of continuing education for persons licensed under this Part that require 50 hours of continuing education per 2-year license renewal cycle. The rules shall not be inconsistent with requirements of relevant national certifying bodies or State or national professional associations. The rules shall also address variances for illness or hardship. The continuing education rules shall assure that licensees are given the opportunity to participate in programs sponsored by or through their State or national professional association, hospitals, or other providers of continuing education. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department. (Section 15-45 of the Act)

- a) Continuing Education Hours Requirements

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- 1) Beginning with the May 31, 2006 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 50 contact hours of continuing education.
 - 2) The following time equivalencies shall apply:

<u>1 CEU</u>	=	<u>10 contact hours</u>
<u>1 contact hour</u>	=	<u>1 CEU</u>
<u>1 contact hour</u>	=	<u>50 minutes</u>
<u>1 academic semester hour</u>	=	<u>15 contact hours</u>
<u>1 academic quarter hour</u>	=	<u>12.5 contact hours</u>
<u>1 CME</u>	=	<u>60 minutes or 1.2 contact hours</u>
<u>1 AMA</u>	=	<u>60 minutes or 1.2 contact hours</u>
 - 3) A prerenewal period is the 24 months preceding May 31 of each even-numbered year.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 5) APNs licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 6) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
 - 7) An APN holding more than one APN license is required to complete 50 contact hours total per license renewal period.
- b) Approved Continuing Education (CE)
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3), and (4).

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- 2) Independent study that is approved for continuing education credits as set forth in subsection (c) may be used, i.e., home study programs, articles from journals, and other health discipline independent study modules.
- 3) Academic credits may be used to fulfill CE requirements if the course content is applicable to the certification area. CE hours are awarded as outlined in subsection (a)(4).
 - A) College/university courses that are audited may not be used for CE credit.
 - B) Degree "core" or general education credits such as English, Literature, History, Math, Music and Physical Education may not be used.
- 4) Presenter/lecturer presentations made to other health professionals on topics related to the certification area may be used for CE credit. Each different individual, non-repetitive 60-minute lecture may be used for 5 CE hours. Full-time educators may not use presentations/lectures that are part of their job expectations, but may use guest lectures and other presentations made outside the duties of their job.
- 5) CE hours may be earned for authoring papers, publications, dissertations, book chapters or research projects. These must be applicable to the certification area. The research project must be completed during the prerenewal period. Authoring a paper or publication article may be used for 10 CE hours. Authoring a book chapter, dissertation or research project may be used for 20 CE hours.
- 6) CE hours may be earned through preceptorship of an APN student. Preceptors must provide clinical supervision and education to the APN student. Documentation must be provided from the school of nursing in which the student is enrolled. Precepting one student for an academic semester or quarter may be used for 10 CE hours. Not more than 20 CE hours in each renewal period may come from precepting.
- 7) Successful completion, during the prerenewal period, of a recertification exam in the APNS area of specialty as recognized in Section 1305.20 may be used for 50 CE hours.

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- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
- A) Approved providers of recognized certification bodies as outlined in Section 1305.20.
 - B) Any conference that provides approved Continuing Medical Education (CME) as authorized by the Illinois Medical Practice Act.
 - C) ANCC accredited or approved providers.
 - D) Illinois Society for Advanced Practice Nursing (ISAPN).
 - E) American College of Nurse Practitioners.
 - F) American Academy of Nurse Practitioners.
 - G) Nurse Practitioner Association for Continuing Education (NPACE).
 - H) American Association of Nurse Anesthetists.
 - I) National Association of Clinical Nurse Specialists (NACNS).
 - J) Any other accredited school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor, not specifically listed in subsection (c)(1), shall submit an application, on forms supplied by the Department, along with the application fee specified in Section 1305.25. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification

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- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9);
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute.
- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of advanced practice nursing;
 - B) Foster the enhancement of general or specialized advanced practice nursing practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program/presentation, or an evaluation questionnaire may be distributed to participants to be

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completed and returned by mail. The sponsor and instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

- 5) An approved sponsor may subcontract with individuals or organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the approved sponsor and the sponsor's state approval number. The presenter of the program may also be identified, but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) To maintain approval as a sponsor, each sponsor shall submit to the Department by May 31 of each even-numbered year a renewal application, the renewal fee specified in Section 1305.25 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontract.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The sponsor's name and, if applicable, sponsor approval number;
 - B) The name of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 8) The sponsor shall maintain attendance records for not less than 5 years.

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- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 10) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
 - 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant or retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or with 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval

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of the program using the criteria set forth in subsection (c)(3) of this Section.

- 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request for with the \$25 processing fee plus \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License

Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1305.25.

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, along with the required fee set forth in Section 1305.25, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
- A) Full-time service in the armed forces of the United State of American during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed health care provider;

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- C) A physical inability to travel to the sites of approved programs documented by a currently licensed health care provider; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 27 Ill. Reg. 19365, effective December 11, 2003)

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- 1) Heading of the Part: Illinois Orthotics, Prosthetics and Pedorthics Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1325
- 3) Section Number: 1325.80 Adopted Action: Amendment
- 4) Statutory Authority: Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5]
- 5) Effective Date of Amendment: December 11, 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) Date Notice of Proposal Published in Illinois Register: September 5, 2003, at 27 Ill. Reg. 14279
- 10) Has JCAR issued a Statement of Objection to this Amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendment: This proposed rulemaking merely clarifies that licensees renewing their licenses for the first time are exempt from the continuing education requirement.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Department of Professional Regulation

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Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

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

PART 1325

ILLINOIS ORTHOTICS, PROSTHETICS AND PEDORTHICS PRACTICE ACT

Section

1325.5	Definitions
1325.10	Examination
1325.15	Application for Licensure as an Orthotist
1325.20	Application for Licensure as a Prosthetist
1325.25	Application for Licensure as a Pedorthist
1325.30	Clinical Residency in Orthotics and Prosthetics
1325.35	Qualified Work Experience in Pedorthics
1325.40	Supervision
1325.45	Classification of Devices
1325.50	Fees
1325.55	Renewals
1325.60	Endorsement
1325.65	Dishonorable, Unethical or Unprofessional Conduct
1325.70	Granting Variances
1325.75	Restoration
1325.80	Continuing Education

AUTHORITY: Implementing the Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 25 Ill. Reg. 3883, effective March 1, 2001; amended at 26 Ill. Reg. 16543, effective October 28, 2002; amended at 27 Ill. Reg. 19378, effective December 11, 2003.

Section 1325.80 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of orthotics, prosthetics, or pedorthics during each pre-renewal period. The Department shall conduct audits to verify compliance with this Section. The pre-renewal period is the 24 months

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preceding the expiration date of the license.

- 2) Orthotists, prosthetists, or pedorthists licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal after original licensure.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance or participation in any continuing education approved by the American Board for Certification in Orthotics and Prosthetics, Inc. or the Board for Certification in Pedorthics, Inc.
 - 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsections (c)(1) and (2) of this Section.
 - 3) A maximum of 15 hours per pre-renewal period for:
 - A) Papers prepared for or delivered before recognized orthotic, prosthetic, or pedorthic organizations;
 - B) Papers published in nationally recognized orthotic, prosthetic, or pedorthic journals;
 - C) Writing a chapter in a book about orthotics, prosthetics, or pedorthics;
 - D) Self-study courses taken through an accredited college or university or an approved sponsor; and
 - E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.
 - 4) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of

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presentation and preparation be given for more than 9 hours during any renewal period.

- 5) The continuing education hours used to satisfy the CE requirements for renewal of an orthotic, prosthetic, or pedorthic license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois orthotic, prosthetic, or pedorthic license.
 - 6) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 7) A CE hour equals 60 minutes. After completion of the initial CE hour, credit may be given in one-quarter hour increments.
 - 8) Cardiopulmonary resuscitation (CPR) certification by the American Red Cross, American Heart Association, National Safety Council, or their international affiliates, or automated external defibrillation (AED) certification by the American Red Cross or other qualified organization as authorized by the Automated External Defibrillator Act. Five hours of continuing education may be earned for one CPR or AED certification. No more than one certification may be submitted per renewal.
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) The American Academy of Orthotists and Prosthetists, or its affiliates;
 - B) The American Orthotic & Prosthetic Association, or its affiliates;
 - C) The Pedorthic Footwear Association, or its affiliates;
 - D) The International Society of Prosthetics and Orthotics, or its affiliates;
 - E) Illinois Society of Orthotics and Prosthetics;

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- F) The American Academy of Orthopaedic Surgeons, or its affiliates;
 - G) The Association of Children's Orthotic-Prosthetic Clinics, or its affiliates;
 - H) The Illinois Podiatric Medical Society;
 - I) The American Podiatric Medical Society and its affiliates;
 - J) American Academy of Physical Medicine and Rehabilitation, and its affiliates;
 - K) Association of Academic Physiatrists, and its affiliates;
 - L) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(L) shall file a sponsor application, along with the required fee set forth in Section 1325.50 of this Part. The applicant shall certify to the following:
- A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(8); and
 - iii) That, upon request by the Department, the sponsor will submit evidence as is necessary to establish compliance

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with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

- B) A copy of a certificate of attendance or participation that meets the requirements set forth in subsection (c)(8); and
 - C) A sample of a CE course that includes, but is not limited to, course materials, books, and instructor credentials.
- 3) Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.
- 4) Each sponsor shall submit by August 31 of odd numbered years a renewal application, along with the required renewal fee set forth in Section 1325.50 of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past 2 years, which includes a description, location, date and time the course was offered.
- 5) State agencies, State colleges and State universities in Illinois shall submit a sponsor application in accordance with subsections (c)(2) and (3)-above; however, they shall be exempt from payment of the fee.
- 6) All courses and programs shall:
- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of orthotics, prosthetics, or pedorthics;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

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- D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism by which participants evaluate the overall quality of the program.
- 7) All programs given by approved sponsors shall be open to all licensed orthotists, prosthetists, or pedorthists and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 8) It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation, which shall contain the following information:
- A) The name, address and license number of the sponsor;
 - B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of clock hours actually attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 9) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(8) for not less than 5 years, except for the signature of the sponsor.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) The Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.

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- 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.
 - 13) The Department shall maintain a list of all approved continuing education sponsors.
- d) Continuing Education Earned in Other Jurisdictions
- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(6) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted at least 90 days prior to the expiration date of the license.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. A licensee shall be required to keep his/her CE records for 5 years. This additional documentation will be required in the context of a Department audit.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning the non-compliance, and a request for waiver of the CE requirements on the basis of those facts. If the Department, upon the written recommendation of the Board, finds from this affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board, and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
 - 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by

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certified mail, return receipt requested.

- 4) Any renewal applicant who submits a request for a waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 27 Ill. Reg. 19378 effective December 11, 2003)

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- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1330.5	Amendment
1330.76	New Section
- 4) Statutory Authority: Pharmacy Practice Act of 1987 [225 ILCS 85]
- 5) Effective Date of Amendments: December 11, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 22, 2003, at 27 Ill. Reg. 13984.
- 10) Has JCAR issued a Statement of Objection 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 any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: This rulemaking adds Section 1330.76 in response to new requirements by the Drug Enforcement Agency. In addition, the definition of "unique identifier" added to the Act by PA 92-0880 is included in Section 1330.05.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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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:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1330
PHARMACY PRACTICE ACT OF 1987

Section

1330. 505	Definitions	
1330.10	Application for Certificate of Registration as a Pharmacy Technician	
1330.20	Approval of Pharmacy Programs	
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20	
1330.40	Application for Examination	
1330.50	Examination for Licensure	
1330.55	Application for Licensure on the Basis of Examination	
1330.60	Endorsement	
1330.65	Patient Counseling	
1330.70	Definitions (Renumbered)	
1330.75	Security Requirements	
<u>1330.76</u>	<u>Reporting Theft or Loss of Controlled Substances</u>	
1330.80	Violations	
1330.90	Divisions of Pharmacy Licenses	
1330.91	Division I Pharmacies	
1330.92	Division II Pharmacies	
1330.93	Division III Pharmacies	
1330.94	Division IV Pharmacies	
1330.95	Division V Pharmacies	
1330.96	Nonresident Pharmacies	
1330.98	Automated Dispensing and Storage Systems	
1330.99	Parenteral Product Standards	
1330.100	Application for a Pharmacy License	
1330.110	Granting Variances	
1330.120	Renewals	
1330.130	Restoration	
1330.140	Continuing Education	

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

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SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. 14131, effective November 18, 1999; amended at 24 Ill. Reg. 8548, effective June 9, 2000; amended at 27 Ill. Reg. 18338, effective December 13, 2002; amended at 27 Ill. Reg. 19389, effective December 11, 2003.

Section 1330.~~505~~ Definitions

"Act" ~~of 1987~~ means the Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85].

"Authentication of Product History" means, but is not limited to, identifying the purchasing source, the ultimate disposition and any intermediate handling of any component of a radiopharmaceutical, diagnostic agent or device.

"Deliver" means the actual, constructive or attempted transfer of possession of a prescription medication.

"Dispense" means to interpret, verify computer entry of, select the prescribed product for, prepare and/or deliver a prescription medication to an ultimate consumer or to a person authorized to receive the prescription medication by or pursuant to the lawful order of a practitioner, including the compounding, packaging, and/or labeling necessary for delivery and any recommending, advising and counseling concerning the contents, therapeutic values, uses and any precautions, warnings and/or advice concerning consumption. Dispense does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier or the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

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"Distribute" means to deliver, other than by dispensing, a prescription medication.

"Division I pharmacy" is any pharmacy that engages in general community pharmacy practice and that is open to, or offers pharmacy service to, the general public.

"Division II pharmacy" is any pharmacy whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act [210 ILCS 45] or the Hospital Licensing Act [210 ILCS 85], or the University of Illinois Hospital Act [110 ILCS 330] and that is not located in the facility it serves.

"Division III pharmacy" is any pharmacy that is located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or the University of Illinois Hospital Act or a facility that is operated by the Department of Human Services or the Department of Corrections, and that provides pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

"Division IV pharmacy" is any pharmacy that provides and/or offers for sale radiopharmaceuticals.

"Division V pharmacy" is any pharmacy that holds a license in Division II or Division III that also provides pharmacy services to the general public, or is any pharmacy that is located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility (e.g., a university infirmary).

"Medication Order" means an order that is issued by a physician for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act.

"Nonresident Pharmacy" means a pharmacy that is located outside this State that ships, delivers, dispenses or distributes into Illinois by any means any drugs, medicines, pharmaceutical services or devices requiring a prescription.

"Nuclear Pharmacist" means a pharmacist who provides radiopharmaceutical services and has satisfied the requirements of Section 1330.94(i).

"On File" as used in Section 19 of the Act and this Part means the maintenance at

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the transferor pharmacy of the transferred prescription, whether previously filled or unfilled. For previously filled prescriptions at a transferor pharmacy located in Illinois, the prescriptions shall be maintained pursuant to the recordkeeping requirements of Section 18 of the Act. For previously unfilled prescriptions at a transferor pharmacy located in Illinois, the prescriptions shall be maintained in a readily retrievable format in a suitable book, file or recordkeeping system for a period of not less than 5 years. For previously filled and unfilled prescriptions at a transferor pharmacy located in a state other than Illinois, the prescriptions shall be maintained pursuant to the recordkeeping requirements of ~~that the~~ state.

"Patient counseling" means the communication between a ~~pharmacist~~pharmacists or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel shall be made by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or the student pharmacist shall be made in a face-to-face communication with the patient or the patient's representative, unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone or in a manner determined by the pharmacist to be appropriate.

"Patient profiles" or "patient drug therapy record" means the obtaining, recording and maintenance of patient prescription and personal information.

"Pharmacist" means ~~a an individual who is~~ currently licensed ~~as a registered~~ pharmacist or registered assistant pharmacist.

"Prospective drug review" or "drug utilization evaluation" means the screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions and clinical abuse or misuse.

"Radiopharmaceutical" means any substance defined as a drug in Section 3(b) of the Pharmacy Practice Act that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such substance but does not include drugs such as carbon-

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containing compounds of potassium-containing salts that contain trace quantities of naturally occurring radionuclides. Radiopharmaceuticals ~~Radio-pharmaceuticals~~ include radioactive biological products as defined in the Federal Food, Drug and Cosmetic Act (21 USC U.S.C. 301 et seq. (1988)) and regulations promulgated thereunder.

"Radiopharmaceutical Quality Assurance" means, but is not limited to, the performance of appropriate chemical, biological, and physical tests on potential radiopharmaceuticals, and the interpretation of the resulting data to determine their suitability for use in humans and animals, including internal test assessment, authentication of product history and the keeping of proper records in these regards.

"Radiopharmaceutical Service" means the compounding, dispensing, labeling and delivery of radiopharmaceuticals; the participation in radiopharmaceutical selection and radiopharmaceutical utilization reviews; the proper and safe storage and distribution of radiopharmaceuticals as determined by the Illinois Department of Nuclear Safety; the maintenance of radiopharmaceutical quality assurance; the responsibility for advising, where necessary or required, of diagnostic and therapeutic values, hazards and use of radioactive pharmaceuticals; and the offering or performance of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a Division IV Pharmacy.

"Registrant" means a licensed ~~registered~~-pharmacist, registered assistant pharmacist, or a registered pharmacy technician.

"Student Pharmacist" is a person registered as a pharmacy technician who is enrolled in a pharmacy program and is designated as a "student pharmacist" pursuant to Section 9 of the Act.

"Ultimate consumer" means the person for whom a drug is intended.

"Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

"Unprofessional conduct" under Section 30 of the Act shall include, but not be limited to, any act or practice related to the practice of pharmacy that is wilful, wanton, repeated, or flagrant and likely to result in harm to an individual. In

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

determining what constitutes unprofessional conduct, the Board shall consider, but shall not be limited to, the following standards as they relate to the person who is the subject of the proposed disciplinary action:

Violations set forth in Section 30(a) of the Act;

Repeated commission of an act or acts that are of a flagrant and obvious nature so as to constitute conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;

Repeated commission of an act or acts in a relationship with a patient so as to violate common standards of decency or propriety;

Wilful violation or knowing assistance in the violation of any law relating to the use of habit-forming drugs;

Willful preparation or signing false statements in order to induce payment for pharmacy services by the Department of Public Aid, or any other local, state or federal department, agency or governmental body, or any private insurance program; and

Violating practice Standards of the American Pharmaceutical Association/American Association of Colleges of Pharmacy Standards of Practice for the Profession of Pharmacy, published March 1979, [and the Principle of Practice for Pharmaceutical Care, 1996](#), which include no later editions or amendments, and which are herein incorporated by reference, in determining what is unprofessional conduct; however, non-compliance with these professional standards shall not alone be considered an act of unprofessional conduct unless these acts are of a flagrant, glaringly obvious nature constituting a substantial departure from these professional standards.

(Source: Amended at 27 Ill. Reg. 19389, effective December 11, 2003)

Section 1330.76 Reporting Theft or Loss of Controlled Substances

In every instance that a pharmacist-in-charge is required by federal law (21 CFR 1301.76) to file with the U.S. Drug Enforcement Agency a Report of Theft or Loss of Controlled Substances, Form 106, a copy shall be sent to the Department. Failure to do so may result in discipline of the pharmacist.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 27 Ill. Reg. 19389, effective December 11, 2003)

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 December 9, 2003 through December 15, 2003 and have been scheduled for review by the Committee at its January 14, 2004 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/24/04	<u>Department of Agriculture, Egg and Egg Products Act (8 Ill. Adm. Code 65)</u>	10/17/03 27 Ill. Reg. 16082	1/14/04
1/24/04	<u>Illinois Commerce Commission, Telecommu- nications Relay Service (83 Ill. Adm. Code 756)</u>	9/19/03 27 Ill. Reg. 14726	1/14/04

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], 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 City Mortgage Banc, License No. 6592 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 20, 2003.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], 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 \$2,500 against Sierra Pacific Mortgage Company, Inc., License No. 6383 of Rancho Cordova, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 13, 2003.

PROCLAMATIONS

2003-313**Human Rights Day**

WHEREAS, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, a thirty-article proclamation protecting and supporting the universal principles of human dignity, equality, liberty and justice for the entire international community; and

WHEREAS, the Illinois Department of Human Rights was created in July 1980 as an official human rights agency, whose mission is to administer and enforce the Illinois Human Rights Act in the areas of employment, housing, financial credit, public accommodation and sexual harassment at work and in higher education, therefore guaranteeing the civil rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970, as amended; and

WHEREAS, the Governor's Commission on Discrimination and Hate Crimes was created in February 1999 as a blue ribbon commission whose mission is to proactively eliminate all forms of discrimination and hate-crime violence through education, liaison work and outreach programs, public and private partnerships, and government initiatives, therefore strengthening the public's confidence in the statutory protections of the Illinois Human Rights Act, the Illinois Hate Crimes Act and related enabling legislation; and

WHEREAS, the Illinois Department of Human Rights and the Governor's Commission on Discrimination and Hate Crimes serve the people of Illinois as joint defenders of human rights. Their defense includes, but is not limited to, Articles 1 and 7 of the Universal Declaration, which guarantee, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (Article 1), and "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination" (Article 7); and

WHEREAS, the Universal Declaration is a "common standard of achievement for all peoples and all nations" (Preamble), and the Illinois Department of Human Rights and the Governor's Commission on Discrimination and Hate Crimes are dedicated to setting the international standard for defending human rights for all of the people of Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2003 as HUMAN RIGHTS DAY in Illinois in observance of the historic anniversary passage of the Universal Declaration of Human Rights.

Issued by the Governor December 8, 2003

Filed by the Secretary of State December 10, 2003

2003-314**Irish Heritage Month**

PROCLAMATIONS

WHEREAS, the United States of America is a land of opportunity where people from all over the world come to create better lives for themselves and their families; and

WHEREAS, across the country, more than 30 million citizens are of Irish descent, accounting for more than 10 percent of our nation's population. In the state of Illinois, more than 1.5 million people are of Irish ancestry, composing more than 12 percent of our citizenry; and

WHEREAS, despite facing countless hardships in their native land and upon arriving in their new country while immigrating to the United States, the Irish-American population managed to overcome them, and play a vital role in shaping our nation's history; and

WHEREAS, among the significant Irish contributions to our nation are the work of Irish-Americans on our country's railroads and canals, the role they played in making the United States a world leader in business and politics, and the bravery with which they served our country during times of war dating as far back as the American Revolution; and

WHEREAS, there are numerous organizations that exist to promote Irish traditions, heritage, fellowship and culture amongst Irish, Irish-Americans and other citizens of the United States, such as the Irish American Cultural Institute, the Irish American Heritage Center, and the Irish American Fellowship Club; and

WHEREAS, Irish Heritage Month is an opportunity to celebrate and recognize the positive impact Irish-Americans have had on our nation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2004 as IRISH HERITAGE MONTH in Illinois, and encourage all citizens to be appreciative of the impact that Irish-Americans have had on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor December 11, 2003

Filed by the Secretary of State December 11, 2003

2003-315**Days to Commemorate The Honorable Paul Martin Simon**

WHEREAS, on December 9, 2003, the people of Illinois lost one of their most faithful, respected and trusted public servants; The Honorable Paul Martin Simon, a former Illinois Lieutenant Governor, 14-year member of the Illinois Legislature, and prominent United States Congressman and Senator, passed away at the age of 75; and

WHEREAS, at the age of 19, The Honorable Paul Simon purchased a defunct weekly newspaper in Troy, Illinois. As a journalist, he was not afraid to tackle injustice wherever he saw it, and his commitment to exposing the truth led him to testify before the Senate Crimes Investigating Committee in 1951 to expose illegal gambling and mob activity in Madison County, Illinois; and

WHEREAS, from 1951 to 1953, The Honorable Paul Simon served with the Counter Intelligence Corps in Central Europe, and in 1954, he was elected to a seat in the Illinois House of Representatives; and

PROCLAMATIONS

WHEREAS, his election to the Illinois House marked the beginning of a remarkable career in public service that led to national prominence as a United States Legislator and, eventually, as a candidate for President of the United States in 1988; and

WHEREAS, The Honorable Paul Simon is best known for his career in the United States Senate, where he served for two-terms. Senator Paul Simon gained the respect of his colleagues by refusing to compromise his ideals, as he championed issues relating to immigration, education, literacy, discrimination and ethics; and

WHEREAS, in a fitting tribute to The Honorable Paul Simon, Illinois passed its most massive ethics reform package in history, which was signed into law the same day he passed away; and

WHEREAS, after retiring from the Senate, The Honorable Paul Simon's desire to continue serving the public led him to found a public policy institute at Southern Illinois University; and

WHEREAS, The Honorable Paul Simon leaves behind a legacy of honesty, integrity and dignity. His dedication to the people of Illinois and citizens across the country was unwavering;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10 and December 11, 2003 as DAYS TO COMMEMORATE THE HONORABLE PAUL MARTIN SIMON in Illinois, and order all state facilities to fly flags at half-mast for the course of the two days.

Issued by the Governor December 10, 2003

Filed by the Secretary of State December 11, 2003

PROCLAMATIONS

ILLINOIS ADMINISTRATIVE CODE

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Rules acted upon in Volume 27, Issue 52 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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