

2006

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 30 Issue 23

June 9, 2006

Pages 10241-10556

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

June 09, 2006 Volume 30, Issue 23

PROPOSED RULES

HUMAN SERVICES, DEPARTMENT OF

Advisory Councils

89 Ill. Adm. Code 51510241

Role of Residential Educational Facilities Operated by the Illinois Department of Human Services

89 Ill. Adm. Code 75010251

RACING BOARD, ILLINOIS

Purse Recapture

11 Ill. Adm. Code 21310258

ADOPTED RULES

ELECTIONS, ILLINOIS STATE BOARD OF

The Campaign Financing Act

26 Ill. Adm. Code 10010261

Practice and Procedure

26 Ill. Adm. Code 12510266

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Illinois Cares Rx Program

89 Ill. Adm. Code 11910274

Medical Assistance Programs

89 Ill. Adm. Code 12010314

Children's Health Insurance Program

89 Ill. Adm. Code 12510328

Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Repealer)

89 Ill. Adm. Code 12610357

The Illinois Prescription Drug Discount Program

89 Ill. Adm. Code 12610359

Medical Payment

89 Ill. Adm. Code 14010370

Hospital Services

89 Ill. Adm. Code 14810393

Long Term Care Reimbursement Changes

89 Ill. Adm. Code 15310417

LABOR, DEPARTMENT OF

Rules of Procedure in Administrative Hearings

56 Ill. Adm. Code 12010424

POLLUTION CONTROL BOARD

Maximum Setback Zones

35 Ill. Adm. Code 61810448

RACING BOARD, ILLINOIS

Trifecta

11 Ill. Adm. Code 306	10459
Superfecta	
11 Ill. Adm. Code 311	10463
General Racing and Track Rules	
11 Ill. Adm. Code 1314	10467
REVENUE, ILLINOIS DEPARTMENT OF	
Income Tax	
86 Ill. Adm. Code 100	10473
Uniform Penalty and Interest Act	
86 Ill. Adm. Code 700	10486
SECRETARY OF STATE, OFFICE OF THE	
Public Library Construction Grants	
23 Ill. Adm. Code 3060	10492
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	10508
REGULATORY AGENDA	
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
Notice Procedures Under the Federally Assisted Housing Preservation Act	
47 Ill. Adm. Code 375	10538
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
June Agenda.....	10539
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	10547
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Missing Children's Day	
2006-200.....	10549
Octave Chanute Aerospace Museum's 99 th Pursuit Squadron Day	
2006-201.....	10550
Ensemble Espanol Day	
2006-202.....	10551
Dairy Month	
2006-203.....	10552
Automotive Service Professionals Week	
2006-204.....	10552
Amateur Radio Month	
2006-205.....	10553
National Men's Health Week	
2006-206.....	10554
National Hunger Awareness Day	

2006-207.....10555

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advisory Councils
- 2) Code Citation: 89 Ill. Adm. Code 515
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
515.200	Repealed
515.300	Repealed
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 5-505 and 5-550 of the Civil Administrative Code of Illinois [20 ILCS 5/505 and 5/550]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will repeal Section 515.200. The Consumer Advisory Councils have not existed for many years. Section 515.300 is being repealed in this Part and added to 89 Ill. Adm. 750 so that it is in the same Part as the other school rules. Blind Services and the Community Services for the Visually Handicapped (renamed to Community and Residential Services for the Blind and Visually Impaired) and the Illinois Visually Handicapped Institute (renamed ICRE-Wood) are now handled under the Blind Services Planning Council.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 515
ADVISORY COUNCILS

SUBPART A: STATE REHABILITATION COUNCIL

- Section
- 515.100 State Rehabilitation Council
- 515.110 Powers and Duties
- 515.120 Composition
- 515.130 Meetings
- 515.140 Terms of Membership
- 515.150 General Provisions

SUBPART B: CONSUMER ADVISORY COUNCILS

- Section
- | 515.200 Consumer Advisory Councils [\(Repealed\)](#)

SUBPART C: FACILITY ADVISORY [COUNCIL](#)~~COUNCILS~~

- Section
- | 515.300 Facility Advisory Councils [\(Repealed\)](#)

SUBPART D: STATEWIDE INDEPENDENT LIVING COUNCIL

- Section
- 515.400 Statewide Independent Living Council
- 515.410 Composition
- 515.420 Meetings
- 515.430 Membership Terms
- 515.440 Powers and Duties
- 515.450 General Provisions

SUBPART E: BLIND SERVICES PLANNING COUNCIL

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
515.500 Blind Services Planning Council

SUBPART F: ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES

Section
515.600 Advisory Council on Spinal Cord and Head Injuries
515.610 Powers and Duties
515.620 Composition
515.630 Meetings
515.640 Membership Terms
515.650 General Provisions

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; and Sections 5-505 and 5-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-505 and 5-550]; and the Bureau for the Blind Act [20 ILCS 2410]; and Section 6 of the Head and Spinal Cord Injury Act [410 ILCS 515/6].

SOURCE: Adopted and codified at 7 Ill. Reg. 8127, effective June 24, 1985; amended at 8 Ill. Reg. 1975, effective February 1, 1984; amended at 12 Ill. Reg. 17942, effective October 24, 1988; amended at 15 Ill. Reg. 7211, effective April 26, 1991; emergency amendment at 17 Ill. Reg. 11589, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20278, effective November 15, 1993; amended at 18 Ill. Reg. 11623, effective July 7, 1994; amended at 20 Ill. Reg. 10162, effective July 16, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 3957, effective March 19, 1999; amended at 24 Ill. Reg. 6399, effective March 31, 2000; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: CONSUMER ADVISORY COUNCILS

Section 515.200 Consumer Advisory Councils (Repealed)

- a) ~~In order to give the people for whom DHS-ORS programs are designed full opportunity to participate in policy formulation and initial planning to assure that programs for disabled individuals are relevant to their priorities, there is hereby established a Regional Consumer Advisory Council (RCAC) for each DHS-ORS Region and one State Consumer Advisory Council (SCAC).~~
- b) ~~Composition of Councils~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Each RCAC shall consist of the Regional Administrator as an ex-officio member and of no less than nine consumer members. All vacancies shall be filled by election by the RCAC. Nominations at such meetings may be made by anyone, including the general public.~~
- 2) ~~The SCAC shall consist of two members from each RCAC, elected by the RCAC and one consumer member elected from each Facility Advisory Council. In addition, the SCAC may elect Members-at-Large, as provided for in its constitution or bylaws, and may elect additional members as it may provide for from time to time in its bylaws.~~
- 3) ~~For the purpose of this Section, "consumers" shall be defined as current, past or potential recipients of DHS-ORS services, or as appropriate, their parents, guardians, or other representatives designated by the consumer elected, if he or she cannot articulate for himself or herself.~~
- 4) ~~All Consumer Advisory Councils shall make every effort to assure representation of a broad range of disability groups. DHS-ORS employees are not eligible for membership.~~
- e) ~~For RCACs all elections shall be for three year terms. For the SCAC, all regionally elected members shall serve for two years, and all other members shall serve one year terms.~~
- d) ~~Each Consumer Advisory Council shall provide in their bylaws for the removal of members.~~
- e) ~~Each RCAC and the SCAC shall meet quarterly. Public notice of the dates, times and locations of regularly scheduled meetings will be posted the beginning of the calendar year at DHS-ORS administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago. Copies of the public notice will also be provided to news media upon written or oral request. The Chairperson and/or a quorum of each Council may call a special meeting provided that written notice stating the purpose of the meeting is given at least fifteen (15) days prior to such meeting date. Public notice of the date, time, location and agenda of any special meeting will be posted at the DHS-ORS administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03]. Travel expenses will be reimbursed in accordance with State travel regulations (80 Ill. Adm. Code 2800).~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- f) ~~Each Consumer Advisory Council shall elect its own officers and develop its own constitution and bylaws in compliance with the requirements of this Rule. The Associate Director shall approve any changes or additional items which are in compliance with federal and state regulations and procedures and within any budgetary constraints. The Chairperson of each Regional Council shall submit copies of meeting notices, minutes, and written reports to the Secretary's designee and to other DHS-ORS staff as deemed appropriate by the Council. The Chairperson of the State Consumer Advisory Council shall submit copies of meeting notices, minutes, and written reports to the Associate Director, and other DHS-ORS staff as deemed appropriate by the Council. The Chairperson of the State Consumer Advisory Council shall meet with or provide reports to the Rehabilitation Services Advisory Council upon request of that Council. DHS shall maintain a copy of all documents identified in this Part for inspection by anyone in its Springfield Central Office and, further, shall provide copies upon request in accordance with the Freedom of Information Act [5 ILCS 140] and the DHS rule "Access to Public Records" (2 Ill. Adm. Code 1176).~~
- g) ~~DHS-ORS shall provide reasonable support services (meeting places, clerical assistance, supplies, postage, etc.) as required by the Consumer Advisory Councils; technical assistance whenever possible; and access to reports, records, and information unless otherwise prohibited by law. The Associate Director or designee shall also assure that prompt response and feedback is provided through oral and written reports at meetings, correspondence, and distribution of annual plans, manual releases and other official DHS-ORS documents. The Associate Director shall attend at least one SCAC meeting per year and a designee of the Associate Director shall serve as the Council's liaison with the Associate Director and other staff.~~
- h) ~~The areas of concern of Consumer Advisory Councils shall include, but not be limited to:~~
- ~~1) insuring consumer input and involvement in planning, evaluating, and developing program standards and policies;~~
 - ~~2) focusing on a broad range of issues which benefit all disability groups, not one particular group of disabled people;~~
 - ~~3) supplying current information to identify statewide problem areas with recommendations and/or strategies for solution;~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) ~~assisting DHS ORS in tapping and securing full utilization of resources in meeting the needs of disabled individuals;~~
- 5) ~~gaining insight into the realities and limitations of rehabilitation programs and, through increased understanding and input, joining in cooperative efforts to make service more effective and efficient and to provide increased public awareness of their availability; and~~
- 6) ~~accepting a leadership role in consumer advocacy, client assistance, and affirmative action.~~
- i) ~~Meetings shall be open to the public.~~
- ~~Meetings shall be open to the public; except that meetings or portions of meetings may, upon a majority vote of a quorum present be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].~~
- j) ~~The proceedings of meetings may be recorded in accordance with Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

SUBPART C: FACILITY ADVISORY COUNCIL

Section 515.300 Facility Advisory Councils (Repealed)

- a) ~~The Community Services for the Visually Handicapped and the Illinois Visually Handicapped Institute, the Illinois Children's School and Rehabilitation Center, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired shall each have an Facility Advisory Council (FAC). Each FAC shall consist of the Superintendent and the President of the Student Council, as ex officio members, and of no less than nine members elected by the FAC. Additional members may be appointed to the FAC or its committees as may be provided for from time to time in the FAC's constitution or bylaws. Such additional members and ex officio members shall have the right to sit on committees and speak on the~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~floor, but shall not have the right to vote or hold office.~~

- b) ~~In electing members or appointing ex-officio members, the FAC shall maintain the following composition of members on the FAC:~~
 - 1) ~~One third of its members shall be consumers who are past, current, or potential recipients of the facility's services, or as appropriate, the parent, guardian or other representative designated by the consumer elected if he or she cannot articulate for him or herself;~~
 - 2) ~~one third individuals from related agencies or organizations;~~
 - 3) ~~one third from individuals who are not employed by governmental agencies;~~
 - 4) ~~employees of DHS-ORS are not eligible for membership.~~
- e) ~~All members will serve for three-year terms and vacancies shall be filled, as they occur, by election by the FAC through procedures established in that FAC's constitution or bylaws. Nominations at such meetings may be made by anyone including the general public.~~
- d) ~~Each FAC shall provide in its constitution or bylaws for the removal of members.~~
- e) ~~Each FAC shall elect a consumer member to the SCAC and, thereby, have a mechanism for input into DHS-ORS programs, policies, issues, and problems. See rule on Consumer Advisory Councils (89 Ill. Adm. Code 515.200).~~
- f) ~~Each FAC shall meet quarterly. Public notice of the dates, times and locations of regularly scheduled meetings will be posted on the beginning of the calendar year at the DHS-ORS administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago. Copies of the public notice will also be provided to news media upon written or oral request. The Chairperson or a quorum of each FAC may call a special meeting provided that written notice stating the purpose of the meeting is given at least 15 days prior to such meeting date. Public notice of the date, time, location and agenda of any special meeting will be posted at the DHS-ORS administrative offices at 623 E. Adams, Springfield and 100 W. Randolph, Chicago at least 24 hours in advance of the meeting and in accordance with Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03]. Travel expenses will be reimbursed in accordance with state travel regulations (80~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~Ill. Adm. Code 2800).~~

g) ~~Council Documents~~

1) ~~Each FAC shall elect its own officers and develop its own constitution and bylaws in compliance with the requirements of this Rule. The Associate Director shall approve any changes or additional items which are in compliance with federal and State regulations and procedures and within any budgetary constraints. The Chairperson of each FAC shall submit copies of meeting notices, minutes, and written reports to the Superintendent, the Deputy Director, the Associate Director's designee and to other DHS staff as deemed appropriate by the FAC. The Chairperson of each FAC shall meet with or provide reports to the RSCAC upon request of that Council. See Section 6.23 of Civil Administrative Code of Illinois [20 ILCS 5/6.23].~~

2) ~~The facility Superintendent of each facility shall maintain a copy of all documents in this Part as related to that facility's FAC for inspection by anyone and, further, shall provide copies upon request in accordance with with the Freedom of Information Act [5 ILCS 140] and the DHS rule "Access to Public Records" (2 Ill. Adm. Code 1176).~~

h) ~~DHS-ORS shall provide support services (meeting place, clerical assistance, supplies, postage, etc.) as required by the FACs, technical assistance whenever possible, and access to reports, records, and information unless otherwise prohibited by law. The Associate Director or designee shall also assure that prompt response and feedback is provided through oral and written reports at meetings, correspondence, and distribution of plans, reports and other official DHS-ORS documents pertaining to each FAC facility. The Deputy Director shall attend at least one FAC meeting per year of each facility for which he/she is responsible and shall also serve as the FAC liaison with the Associate Director and other DHS-ORS staff. Each Superintendent shall attend a minimum of 51% of his/her FAC meetings each year; the Superintendent or designee shall attend the remaining 49% of the meetings of each FAC each year. Each FAC shall have the power to go into Executive Session and conduct discussion without the presence of the Superintendent or designee when necessary.~~

i) ~~The areas of concern of each Council shall include, but not be limited to:~~

1) ~~eligibility requirements and admission procedures for students or clients;~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~educational and training programs;~~
 - 3) ~~residential care;~~
 - 4) ~~relationships with parents, families, and other interested individuals;~~
 - 5) ~~relationships with related agencies;~~
 - 6) ~~follow-up studies of former students or clients;~~
 - 7) ~~fiscal and budgetary issues;~~
 - 8) ~~physical plant adequacy;~~
 - 9) ~~input into DHS programs, policies, issues, and problems through its representative on the SCAC.~~
- j) ~~Meetings shall be open to the public.~~
~~Meetings shall be open to the public; except that meetings or portions of meetings may, upon a majority vote of a quorum present be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].~~
- k) ~~The proceedings of meetings may be recorded in accordance with the Open Meetings Act, which allows any person to record a meeting required to be open unless a witness testifying before the Council refuses to testify on the basis his or her testimony will be broadcast, televised or motion pictures will be taken during testimony. If such occurs, recording shall be prohibited.~~

(Source: Repealed at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Role of Residential Educational Facilities Operated by the Illinois Department of Human Services
- 2) Code Citation: 89 Ill. Adm. Code 750
- 3) Section Number: 750.400 Proposed Action: New
- 4) Statutory Authority: Implementing and authorized by Sections 3(b), (f) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), and (k)].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking will add a new Section on Advisory Councils for DRS Residential Schools. The name of the Advisory Council is being changed from Facility Advisory Council to Residential Advisory Council to address the needs of Residential Schools. Companion amendments are also being proposed to 89 Ill. Adm. Code 515 that repeal an advisory council Section.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 750

ROLE OF RESIDENTIAL EDUCATIONAL FACILITIES OPERATED BY THE
ILLINOIS DEPARTMENT OF HUMAN SERVICES

SUBPART A: EDUCATIONAL PROGRAM

Section

750.10	Legislative Mandate
750.20	Special Education and Related Services
750.30	Demonstration Projects and Research Programs
750.40	Responsibility of State School
750.50	Comprehensive Program
750.60	Rights and Privileges of Students

SUBPART B: LIMITATIONS OF SERVICES

Section

750.100	Legal Authority to Place Students
750.110	Referral of a Student by DHS
750.120	Home and Hospital Programs

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section

750.200	Extent of Fulfilling Responsibilities
750.210	Evaluation Focus
750.220	Evaluation
750.230	Written Reports
750.240	Recognition Status
750.250	Coordination

SUBPART D: SURROGATE PARENTS

Section

750.300	Need for Surrogate Parents
750.310	Withdrawal of Surrogate Parent

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

750.320 Expenses of Surrogate Parents
750.330 Notification When Surrogate Parent Not Needed

SUBPART E: ADVISORY COUNCILSSection750.400 DHS-DRS Residential School Advisory Councils

AUTHORITY: Implementing and authorized by Sections 3(b), (f) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), and (k)].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 12, 1982; codified at 6 Ill. Reg. 13792; amended at 12 Ill. Reg. 5450, effective March 8, 1988; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10240, effective August 10, 1999; amended at 30 Ill. Reg. _____, effective _____.

SUBPART E: ADVISORY COUNCILSSection 750.400 DHS-DRS Residential School Advisory Councils

Advisory councils (councils) to the DHS-DRS residential schools exist to offer recommendations and advice to the schools and to express concerns relative to the educational services provided to children who are deaf, hard of hearing, blind, visually impaired, physically disabled and/or health impaired.

- a) Each council's membership shall consist of a maximum of 16 individuals.
 - 1) Ex-officio members are included among the 16 members and they are not eligible to vote or to hold office. The ex-officio members appointed to each council shall consist of:
 - A) the Superintendent of the DHS-DRS residential school;
 - B) the DHS-DRS Assistant Director or his or her designee;
 - C) the DHS-DRS Education Liaison; and
 - D) a Student Body/Council Representative(s).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 2) As established in each council's bylaws or constitution, the remaining members are elected by the council. One-third of the remaining members shall be:
 - A) parents or guardians of current students;
 - B) persons with a disability (including school alumni); and
 - C) professionals in a field related to the disability accommodated by the school (including former employees).
- b) The length of a member's term and the number of terms he or she can serve shall be established in each council's bylaws or constitution. Vacancies shall be filled, as they occur, by election of the council. Elections shall be conducted in accordance with procedures established in each council's bylaws or constitution.
- c) Officers shall be elected according to procedures established in each council's bylaws or constitution.
- d) Procedures for removing members who do not attend regularly scheduled meetings or who are deemed not appropriate members of the council shall be established in each council's bylaws or constitution.
- e) Each council shall meet quarterly. Meeting dates shall be scheduled during the first meeting of the new school year.
 - 1) A notice with the quarterly meeting dates, times and locations must be published as required under Section 2.02 of the Open Meetings Act and shall be posted on each school's website, as well as on the DHS-DRS website. This information shall also be available at the DHS-DRS Administrative Offices in Springfield and Chicago.
 - 2) Special meetings of each council may be called by the chairperson, or by a quorum of voting members. As required by the Open Meetings Act, a notice must be published at least 48 hours prior to the meeting date and shall include the purpose, agenda, time, date, and location of the meeting. This information shall be posted in the same manner as specified in subsection (e)(1).
 - 3) Meetings are open to the public, except for portions of the meeting that are

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

considered closed for executive session through a majority vote of the quorum present, in accordance with Sections 2 and 2a of the Open Meetings Act.

- 4) The proceedings of the meetings may be recorded by any person in accordance with Section 2.05 of the Open Meetings Act, which allows any person to record a meeting required to be open unless a witness testifying before the council refuses to testify on the basis that his or her testimony will be broadcast or or televised or that motion pictures will be taken during testimony. If a witness objects to recording, the meeting shall not be recorded.
- 5) The chairperson or his or her designee shall submit written copies of meeting information to the school Superintendent and other DHS-DRS employees as determined by each council. This information shall include, but not be limited to, the meeting dates, times, locations, agendas, minutes or reports.
- 6) Travel expenses incurred by voting members for regular and special meetings shall be reimbursed according to State travel regulations (80 Ill. Adm. Code 2800 and 3000).
- f) Each council shall develop its own bylaws or constitution. The DHS-DRS Assistant Director shall approve all changes or additions to ensure compliance with federal and State laws and regulations, and shall approve all council procedures to ensure budgetary constraints are recognized and improprieties do not exist.
- g) The Superintendent shall maintain a copy of all documents required by this Part related to his or her school's council for inspection by anyone and shall provide copies, upon request, in accordance with the Freedom of Information Act [5 ILCS 140] and 2 Ill. Adm. Code 1176 (Access to Public Records).
- h) The Superintendent shall provide support services (meeting place, clerical assistance, supplies, postage, etc.) and technical assistance whenever possible. The DHS-DRS Assistant Director or his or her designee shall assure that a prompt response, as well as feedback, is provided to each council member through oral and written reports at meetings, correspondence, and the distribution of DHS-DRS plans, reports and other official documents pertaining to the schools.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- i) The Superintendent shall attend annually a minimum of 3 of his or her school's council meetings, with the remaining meeting attended by either the Superintendent or his or her designee. Each council shall have the authority to enter into executive session and conduct discussion without the presence of the Superintendent or his or her designee when necessary.

- j) Areas to be addressed by the councils shall include, but not be limited to:
 - 1) education and residential care programs;
 - 2) training programs;
 - 3) relationships with parents, families and other interested parties;
 - 4) relationships with related agencies (State, federal, local and private);
 - 5) follow up studies of former students;
 - 6) fiscal and budgetary issues;
 - 7) physical plant adequacy (buildings, grounds, heating/cooling, etc.); and
 - 8) DHS-DRS programs, policies and issues relative to the school's interests.

(Source: Added at 30 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on the 2006 Regulatory Agenda, because it was not anticipated.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 213
PURSE RECAPTURE

Section	
213.10	General
213.20	Definitions
213.30	Estimated Purse Recapture Certification
213.40	Purse Recapture Certification
213.50	Notice of Purse Recapture Certification
213.60	Department of Agriculture Grant Agreements
213.70	Distribution of the Purse Recapture Reimbursement

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 24 Ill. Reg. 17484, effective November 8, 2000; amended at 30 Ill. Reg. _____, effective _____.

Section 213.10 General

Pursuant to Section 26(g)(13) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)(13)], qualified licensed Illinois wagering facilities are permitted to deduct an amount equal to 2% of the difference between the [wagering facility's license's](#) 1994 handle on Illinois races and its handle on Illinois races in the year in question, from amounts allocated or payable to purses in the succeeding year, at the racetrack from which the wagering facility is affiliated. Recapture amounts shall not be taken until after certification by the Board.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3) Section Number: 100.70 Adopted Action:
Amendment
- 4) Statutory Authority: Implements Sections 9-3, 9-10 and 9-15 of the Illinois Election Code [10 ILCS 5/9-3, 9-10 and 9-15] and authorized by Article 1A, Section 8(9) and Section 9-15 of the Illinois Election Code [10 ILCS 5/1A-8(9) and 9-15].
- 5) Effective Date of Rulemaking: June 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 19360; December 2, 2005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Subsection (e) requires political committees that initially file a Statement of Non-Participation, but subsequently make an expenditure or expenditures in an aggregate amount exceeding \$500 to a candidate or question of public policy appearing on the ballot at that election, to file a Pre-Election Report and any necessary Schedule A-1 reports within 5 days after the expenditure or expenditures.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 100
THE CAMPAIGN FINANCING ACT

Section	
100.10	Definitions
100.20	Official Forms
100.30	Forwarding of Documents (Repealed)
100.40	Vacancies in Office – Custody of Records
100.50	Multiple Filings by State and Local Committees
100.60	Filing Option for a Federal Political Committee
100.70	Reports of Contributions and Expenditures
100.80	Report Forms
100.90	Provision Circumvention
100.100	Proof of Identification; Application for Inspection and Copying (Repealed)
100.110	Loans by One Political Committee to Another
100.120	Receipt of Campaign Contributions
100.130	Reporting by Certain Not-for-Profit Organizations
100.140	Prohibited Contributions – State Property
100.150	Electronic Filing of Reports
100.160	Good Faith
100.170	Sponsoring Entity

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006.

Section 100.70 Reports of Contributions and Expenditures

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- a) Reference: This Section interprets or applies Sections 9-10, 9-13, and 9-14 of the Election Code.
- b) For purposes of determining the amount of contributions in excess of \$500 under Section 9-10(b-5) of the Election Code, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.
- c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code or to require the itemization of expenditures not otherwise required to be itemized under Article 9 of the Election Code.
- d) Pre-Election and A-1 Reports
 - 1) Every active political committee must file a pre-election report and A-1 reports, as required by Sections 9-10(b) and 9-10(b)(5) of the Election Code, in conjunction with every next election unless:
 - A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and
 - B) the political committee does not make expenditures in excess of \$500, including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election.
 - 2) An active political committee that meets the requirements of subsections (d)(1)(A) and (B) shall be deemed a nonparticipating political committee and may file, in lieu of a pre-election report, a Statement of Non-Participation for the next election (see Section 9-10 of the Election Code).

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT

- e) A committee that, having filed a Statement of Non-Participation, makes an expenditure in excess of \$500 or expends or has expended an aggregate amount in excess of \$500 on behalf of or in opposition~~a subsequent contribution~~ to a candidate or on behalf of a question of public policy that will appear on the ballot at the next election shall file a pre-election report within five days after making the ~~expenditure~~contribution, or if the expenditure that triggers the requirement to file a pre-election report~~contribution~~ is made during the five days immediately prior to the election, within 24 hours after making the ~~expenditure~~contribution. In addition to filing a pre-election report, the committee shall timely file a Schedule A-1 for each contribution exceeding \$500, beginning with the date the ~~expenditure~~contribution that triggered the obligation to file a pre-election report was made.

(Source: Amended at 30 Ill. Reg. 10261, effective June 1, 2006)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
125.620	Amendment
125.630	Amendment
125.640	Amendment
125.670	Amendment
125.680	Amendment
- 4) Statutory Authority: Implemented and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].
- 5) Effective Date of Rulemaking: June 1, 2006
- 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: 29 Ill. Reg. 20143; December 16, 2005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 125.620, first paragraph, italicized language was added to reflect statutory language.

In Section 125.620, subsection (a), added new language after "hearing".

In Section 125.630, subsection (b), added new language after "hearing." and added "in the State of Illinois" to the end of this subsection.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: To streamline and expedite the rulemaking process of the State Board of Elections.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/557-9939

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 125

PRACTICE AND PROCEDURE

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section	
125.5	Applicability
125.10	Definitions
125.15	Board Offices and Business Hours
125.20	Documents Pertaining to Hearings
125.30	Form of Documents
125.40	Service of Documents
125.50	Computation of Time
125.55	Time of Notices
125.60	Appearances
125.70	Non-Legal Assistance
125.75	Parties
125.80	Answer
125.90	Qualifications of Hearing Examiner
125.95	Authority of Hearing Examiner
125.100	Disqualification of Hearing Examiner
125.110	Motions
125.115	Consolidation and Severance of Claims: Additional Parties
125.120	Amendments
125.130	Intervention
125.135	Pre-hearing Conferences
125.140	Settlement Pursuant to Conference
125.150	Record of Conferences
125.160	Continuances
125.170	Order of Proceedings
125.175	Failure of Party to Appear
125.180	Evidence
125.185	Official Notice
125.190	Examination of Adverse Party or Agent
125.192	Participation by Board Members and Staff
125.195	Hostile Witnesses
125.197	Admission of Business Records in Evidence

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

125.199 Compelling Appearance at Hearing

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section

125.210 Applicability
125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Examiner - Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing - Procedures - Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section

125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Examiner
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
125.380 Official Record
125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

Section

125.410 Hearing Examiners Report

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 125.420 Order of the Board; Civil Penalties
- 125.425 Civil Penalty Assessments
- 125.430 Enforcement Actions in the Circuit Court
- 125.440 Reconsideration

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS
PURSUANT TO SECTION 9-18

- Section
- 125.510 Applicability (Repealed)
- 125.520 Staff Review and Enforcement of Reporting Requirements
- 125.530 Compliance Conference
- 125.540 Staff Initiated Complaint (Repealed)
- 125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

- Section
- 125.610 Applicability
- 125.620 Adoption of Rules
- 125.630 ~~Rulemaking~~ ~~Non-Adjudicative~~ Hearings
- 125.640 Notice of Hearing
- 125.650 Conduct of the Hearing
- 125.660 Examination of Witness
- 125.670 Record
- 125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

- Section
- 125.710 Advisory Opinions
- 125.720 Reconsideration of Advisory Opinions
- 125.730 Public Availability of Advisory Opinion
- 125.740 Conflict Between this Part and the APA

SUBPART H: MISCELLANEOUS PROVISIONS

- Section
- 125.810 Ex Parte Communications
- 125.820 Effective Date

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

125.830 Interpretation
125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337, effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006.

SUBPART F: ~~RULEMAKING~~ ~~RULE-MAKING~~ AND NON-ADJUDICATIVE HEARINGS

Section 125.620 Adoption of Rules

Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if the agency receives a request for a public hearing within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected [5 ILCS 100/5-40]. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it shall proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days.
~~Except in cases of emergency no substantive rule shall be adopted, amended or repealed by the Board until after public hearings held in at least two areas of the State. If the Board finds that an emergency requires adoption of a rule, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule which shall be effective for a period of up to 150 days.~~

- a) Revision of Proposed Rules. After any rulemaking ~~rule-making~~ hearing and prior

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

~~to submission of second notice to JCAR~~, the Board may revise the proposed rules ~~before adoption~~ in response to suggestions made at the hearing and written submissions received ~~prior or~~ subsequent ~~to the hearing~~~~hereto~~, without conducting a further hearing on the revisions.

- b) Notice of Final Rule. Any person heard on the original proposal, who has given his ~~or her~~ name and address to the Board, ~~or is on the Board's mailing list~~, shall be given notice of the Board's final action.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.630 Rulemaking ~~Non-Adjudicative~~ Hearings

The Board may either:

- a) hold such hearings ~~itself; as are required hereunder~~, or
- b) designate a subcommittee of the Board, a member of the Board's staff, or a Hearing Examiner to hold such a hearing. Pursuant to 26 Ill. Adm. Code 125.60(b), whenever ~~Whenever~~ possible, any person designated as a Hearing Examiner shall be a licensed attorney in the State of Illinois.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.640 Notice of Hearing

- a) Notice of hearing shall be given at least ~~ten (10)~~ days prior to the date of the hearing:
- 1) By posting the Notice on the State Board of Elections website; To all persons on the Board's mailing list, and
 - 2) By posting the Notice at the principal and permanent branch offices of the State Board of Elections; and
 - 3) If the Board determines necessary, by ~~By~~ public advertisement in a newspaper of general circulation in Chicago ~~and~~ Springfield, depending on where the hearing is to take place and in the area where the hearing is to be held if other than Chicago or Springfield.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

- b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.670 Record

All testimony shall be recorded either stenographically or by tape recording. The transcript, all written testimony, all exhibits offered in connection with the hearing, and all written submissions shall constitute the record.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing Examiner, then ~~within twenty-one (21) days after the conclusion of the hearing(s)~~, a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). The~~Sueh~~ report shall summarize the record, and shall include such other comments, suggestions, conclusions or recommendations as the party preparing the~~sueh~~ report deems necessary.

(Source: Amended at 30 Ill. Reg. 10266, effective June 1, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Cares Rx Program
- 2) Code Citation: 89 Ill. Adm. Code 119
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
119.10	Amendment
119.20	Amendment
119.30	Amendment
119.40	Amendment
119.50	Amendment
119.60	Amendment
119.70	Amendment
119.80	Amendment
119.90	Amendment
119.100	Amendment
119.110	Amendment
119.120	Amendment
119.130	Amendment
119.140	Repealed
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-86
- 5) Effective Date of Amendments: May 26, 2006
- 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 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: January 13, 2006; 30 Ill. Reg. 294
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:

Section 119.10

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In the definitions for "Illinois Cares Rx Plus" and "Illinois Cares Rx Basic", "groups" has been changed to "group".

Section 119.20

In subsection (a)(3), "Prescription Drug Plan" has been changed to "PDP".

In subsection (a)(6), the commas after both occurrences of "2005" have been deleted.

Subsection (f) has been revised to read, "...Qualified Medicare Beneficiary (QMB), Specified Low Income Medicare Beneficiary (SLIB), or Qualified Individual (QI) may...".

Section 119.30

In subsection (a), "LIS" has been added after "subsidy".

Section 119.40

"Program" has been changed to "program".

Section 119.50

In subsection (a), "Program" has been changed to "program".

In subsection (b), "Beneficiary" has been changed to "beneficiary".

Section 119.60

In subsections (a)(1)(A) and (b)(1)(A), a comma has been added after "expenses".

In subsection (b)(1)(A), both occurrences of "cost-sharing" have been changed to "cost sharing".

Section 119.80

In subsection (a)(7), "sympatholytics" has been changed to "Sympatholytics".

In subsection (b), the comma after "diabetes" has been deleted.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In subsection (c), the comma after "arthritis" has been deleted.

In subsection (d), the comma after "cancer" has been deleted.

In subsections (e) and (f), the comma after "disease" has been deleted

In subsections (e), (f) and (g), "which" has been changed to "that".

In subsection (f)(3), "Agent" has been changed to "Agents".

In subsection (g), the comma after "glaucoma" has been deleted.

In subsection (h), the comma after "illnesses" has been deleted.

In subsection (h)(6), "Inhalants/" has been changed to "Inhalants".

New subsection (h)(12) has been added: "12 Respiratory Enzymes".

In subsection (i), the comma after "osteoporosis" has been deleted.

In subsection (j), the comma after "sclerosis" has been deleted.

New subsection (j)(3) has been added: "3 Adrenocortical Steroids".

Section 119.90

In subsection (a), the comma after "423.782(b)" has been deleted.

In subsection (c), a comma has been added after "beneficiary".

In subsection (d), "Beneficiary" has been changed to "beneficiary".

Section 119.100

In subsection (b)(1)(D)(ii), the period has been changed to "; or".

In subsection (b)(3), "cost-sharing" has been changed to "cost sharing".

In subsections (b)(4) and (b)(5), "third-party" has been changed to "third party".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Subsection “(e)” has been changed to “(c)” to correct a typographical error.

Section 119.110

In subsection (b), the ILCS cite has been changed to: “(see 320 ILCS 25/4.1)”.

Section 119.120

“Beneficiary” has been changed to “beneficiary” and “action which” has been changed to “action that”.

Section 119.130

In subsection (a)(2), the ILCS cite has been changed to: “(See 320 ILCS 25/9)”. The same ILCS citation is added to subsection (c) with brackets around it.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments respond to Public Act 94-86 under which the Illinois Cares Rx Program is being established. This new program provides pharmaceutical assistance to eligible seniors and individuals with disabilities and will provide coverage for specified prescription drugs. The program provides benefits for individuals who are eligible for Medicare Part D and drug coverage for those who are not eligible for Medicare Part D. Illinois Cares Rx replaces SeniorCare and Circuit Breaker Pharmaceutical Assistance. Absent Illinois Cares Rx, eligible individuals would be responsible for significantly higher levels of cost-sharing than they had previously experienced under Circuit Breaker and SeniorCare.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 119

ILLINOIS CARES RX PROGRAM~~PHARMACEUTICAL ASSISTANCE PROGRAM~~

Section

119.10	<u>Definitions</u> Purpose of the Pharmaceutical Assistance Program
119.20	<u>Eligibility</u> Definitions
119.30	<u>Low Income Subsidy</u> Covered Prescription Drugs
119.40	Automatic Enrollment of Program Beneficiaries
119.50	<u>Assignment and Coordination of Benefits</u> Fees and Co-Payments
119.60	<u>Covered Services</u> Determination of Cost of Covered Prescription Drugs
119.70	<u>Prior Authorization and Preferred Drug List (PDL)</u> Authorized Pharmacy
119.80	<u>Illinois Cares Rx Basic Covered Prescription Drugs</u> Assignment and Coordination of Benefits
119.90	<u>Co-Payments and Cost Sharing</u> Payments to Authorized Pharmacies
119.100	<u>Pharmacy</u>
119.110	<u>Inspection and Disclosure of Records</u> Limitation on Prescription Size
119.120	<u>Establishment of Liens</u> Inspection and Disclosure of Records
119.130	<u>Penalties</u> Establishment of Liens
119.140	Penalties <u>(Repealed)</u>

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and implementing and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Executive Order 2004-3.

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 13816, effective October 1, 2004, for a maximum of 150 days; adopted at 29 Ill. Reg. 4069, effective February 25, 2005; emergency amendment at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules' Objection at 30 Ill. Reg. 5436, effective February 28, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10274, effective May 26, 2006.

Section 119.10 Definitions~~Purpose of the Pharmaceutical Assistance Program~~

The following definitions apply for purposes of this Part:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Act" means the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

"Applicant" means any person in a household who has requested pharmaceutical assistance benefits on an application filed by an applicant.

"Beneficiary" means a person whose application for pharmaceutical assistance benefits under the Act has been approved by the Department on Aging.

"Brand name drug" means those drugs as defined in 89 Ill. Adm. Code 140.440(g)(3) when dispensed to an individual not enrolled in Medicare Part D. When dispensed to an individual enrolled in Medicare Part D, brand name drugs means those legend drugs defined as brand name drugs by the individual's Medicare Prescription Drug Plan (PDP).

"Coordinating Prescription Drug Plan" means a Medicare Part D Prescription Drug Plan that has signed a coordination agreement with the Department and to which the Department pays a per member/per month (PM/PM) payment for each Illinois Cares Rx beneficiary that the Department has assigned to that Plan.

"Department" means the Illinois Department of Healthcare and Family Services.

"Director" means the Director of the Illinois Department of Healthcare and Family Services.

"Disabled person" means a person who is unable to engage in any substantial gainful activity by reason of medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. [320 ILCS 25/3.14]

"Disease" means a chronic and possibly recurrent illness of long duration, as distinguished from an acute illness that is of short duration with recovery due to limited medical treatment (such as in the case of colds, flu, pneumonia, bronchitis, or other similar illnesses).

"Domiciled" means having a fixed habitation at a permanent residence in Illinois at the time of filing the application and during the coverage year.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Electronic application" means the electronic document set forth in 86 Ill. Adm. Code 530.305(a).

"FPL" means the federal poverty income guideline as determined annually by the United States Department of Health and Human Services.

"Generic drug" means those legend drugs as defined in 89 Ill. Adm. Code 140.440(g)(2) when dispensed to individuals not enrolled in Medicare Part D. When dispensed to individuals enrolled in Medicare Part D, generic drugs means those legend drugs defined as generic drugs by the individual's Medicare Prescription Drug Plan (PDP).

"Household" means an applicant or an applicant and his or her spouse living together in the same residence. [320 ILCS 25/3.05]

"Household income" means the combined income of the members of a household for a year. [320 ILCS 25/3.06]

"Illinois Cares Rx Plus" means the provision of benefits to individuals in eligibility group 3 or 4 as defined in 320 ILCS 25/4(g).

"Illinois Cares Rx Basic" means the provision of benefits to individuals in eligibility group 1 or 2 as defined in 320 ILCS 25/4(g).

"Illinois Cares Rx Basic Covered Prescription Drug" means any drug included in the categories listed in Section 119.80 and prescribed as set forth in Section 119.80.

"Illinois Cares Rx Rebate" means an Illinois Cares Rx benefit in the form of a monetary payment (a monthly payment of \$25) made to an individual enrolled in a third-party plan that provides a pharmacy benefit or a PDP that is not a Coordinating Medicare PDP. The payment is made in lieu of the covered services described in Section 119.60.

"Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified as defined in 320 ILCS 25/3.07.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Non-Preferred Drug" means those drugs that are 3rd tier or higher on an individual's Medicare Part D Prescription Drug Plan's (PDPs) formulary or the Department's Preferred Drug List.

"Over-the-counter items" means those pharmaceutical items that may be purchased off the shelf by the general public.

"Pharmaceutical product" means a brand name drug, a generic drug, or an over-the-counter item.

"Prescription Drug Plan" or "PDP" means a Medicare Part D Prescription Drug Plan.

"Program" means the Illinois Cares Rx Pharmaceutical Assistance Program provided for under the Act.

"Projected income" means household income expected to be received for a coverage year.

~~The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Act) [320 ILCS 25] provides for the establishment of a program of pharmaceutical assistance to be administered by the Department of Revenue. Executive Order 2004-3 transfers this Program to the Department on Aging and Department of Public Aid, effective July 1, 2004. The purpose for this program is to enable low-income senior citizens and disabled persons to afford medication for the treatment of heart disease and its related conditions, diabetes and arthritis; and, beginning January 1, 2001, cancer, Alzheimer's disease, Parkinson's disease, glaucoma, lung disease and smoking related illnesses; and, beginning July 1, 2001, osteoporosis; and, beginning January 1, 2004, multiple sclerosis.~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.20 Eligibility Definitions

a) Illinois Cares Rx Eligibility Qualifications
To be eligible for Illinois Cares Rx pharmaceutical benefits, an individual must meet all of the following requirements:

1) Be:

A) 65 years of age or older; or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) a disabled person.
 - 2) Be domiciled in Illinois at the time of filing an application, and during the coverage period.
 - 3) Except for individuals choosing Illinois Cares Rx Rebate, enroll with a Coordinating Medicare Part D PDP if eligible for Medicare Part D.
 - 4) Except for individuals choosing Illinois Cares Rx Rebate, apply for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicates the individual would not be eligible for any low income subsidy.
 - 5) Have a maximum household income as described in subsection (a)(5)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(5)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.
 - A) less than \$21,218 for a household containing one person;
 - B) less than \$28,480 for a household containing two persons; or
 - C) less than \$35,740 for a household containing three or more persons.
 - 6) Individuals eligible for SeniorCare on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Plus for coverage year 2006; individuals eligible for Circuit Breaker Pharmaceutical Assistance on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Basic for coverage year 2006.
- b) Illinois Cares Rx Plus Eligibility Qualifications
To be eligible for Illinois Cares Rx Plus pharmaceutical benefits as described in Section 119.60(a), an individual must meet all of the eligibility requirements described in subsection (a) and meet all of the following requirements:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to 89 Ill. Adm. Code 120.310.
 - 2) Be 65 years of age or older.
 - 3) Have countable annual income at or below 200 percent of FPL guidelines published annually by the U.S. Department of Health and Human Services.
- c) Proof of Eligibility Qualifications
An applicant must submit proof of his or her eligibility qualifications as described in subsections (a) and (b).
- 1) Examples of proof of date of birth include:
 - A) a baptismal record; or
 - B) a birth certificate; or
 - C) a driver's license; or
 - D) an identification card from the Secretary of State's office; or
 - E) an insurance policy; or
 - F) naturalization papers.
 - 2) Examples of proof of disability include:
 - A) proof that an applicant is eligible to receive disability benefits under the federal Social Security Act of 1935 (see 42 USC 423); or
 - B) issuance of an Illinois Disabled Person Identification Card stating that an applicant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A]; or
 - C) status of an applicant as a disabled person determined by a physician designated by the Department using the same standards as used by the Social Security Administration with the costs of any required examination paid by the applicant (see 42 USC 423); or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

D) receipt by an applicant of Railroad (see 45 USC 231), Civil Service, or Veterans' total disability benefits (see 38 USC 101). (See 320 ILCS 25/3.14.)

d) Income

Income shall be based on income for the full calendar year prior to the year the applicant filed an application for pharmaceutical benefits, unless the applicant requests consideration of projected income as described in subsections (d)(1)(A), (B), (C), (D) and (E).

1) Projected Income

A) An applicant may request that projected income for the coverage year be used as current income in determining eligibility at the time an application is filed if projected income for the coverage year will be lower than current income for the coverage year. The application must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

B) An applicant whose application has been denied for exceeding maximum household income eligibility qualifications may file an amended application requesting use of projected income for the coverage year as current income for the coverage year in re-determining eligibility if projected income for the coverage year will be lower than current income for the coverage year. The amended application must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department will allow such a request and use projected income as current income in processing the amended application if its use will enable an applicant to qualify for this program.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) A beneficiary whose application has been approved for Illinois Cares Rx Basic may file an amended application requesting use of projected income for the coverage year as current income for the coverage year in redetermining the eligibility for Illinois Cares Rx Plus if projected income for the coverage year will be lower than current income for the coverage year. The amended application must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department will allow such a request and use projected income as current income in processing the amended application if its use will enable a beneficiary to qualify for Illinois Cares Rx Plus.
- D) Amended applications for pharmaceutical assistance benefits must be filed on the appropriate paper forms approved by the Department prior to the expiration of the coverage year for the coverage year at issue.
- E) A beneficiary may not use projected income for two consecutive years.
- 2) Countable Income
The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility.
- 3) Assets shall not be considered.
- 4) Illinois Cares Rx Plus participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for Illinois Cares Rx benefits.
- e) An individual who is eligible for medical assistance with a spenddown may participate in Illinois Cares Rx.
- f) An individual who receives benefits from any of the Medicare Savings programs (Qualified Medicare Beneficiary (QMB), Specified Low Income Medicare Beneficiary (SLIB), or Qualified Individual (QI)) may participate in Illinois Cares Rx.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

g) Application Process

- 1) An application for pharmaceutical assistance benefits under the Act must be filed on the appropriate paper or electronic forms approved by the Department on Aging.
- 2) Individuals shall apply by completing and submitting an application as specified by the Illinois Department on Aging.
- 3) Spouses may apply on the same application as long as the application contains both signatures.
- 4) After eligibility is determined by the Illinois Department on Aging, notice of the outcome shall be sent to the applicant.
- 5) An individual enrolled in Illinois Cares Rx shall receive coverage under his or her own name and unique Recipient Identification Number.

h) Enrollment Periods

- 1) Enrollment shall be effective the first of the month no later than the second month after the date when the applicant was determined to be eligible for the program.
- 2) The initial coverage period shall continue from the effective date of the enrollment through the end of the calendar year following the year in which the beneficiary filed the application for Illinois Cares Rx benefits.
- 3) Individuals must reapply annually.
- 4) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the calendar year.

i) Authorization of Illinois Cares Rx

Once an individual has been determined eligible for Illinois Cares Rx, an Illinois Cares Rx identification card shall be sent to the individual, unless the individual elects to participate in the Illinois Cares Rx Rebate Program.

j) Illinois Cares Rx coverage shall terminate:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) at the end of a participant's coverage period unless the participant reapplies timely and is found to continue to be eligible;
 - 2) when a participant no longer resides in Illinois;
 - 3) when a participant becomes an inmate of a public institution as set forth in 42 CFR 435.1008;
 - 4) upon a participant's death;
 - 5) upon discovery that the initial determination of the participant's eligibility was incorrect; or
 - 6) when a participant fails to apply for any low income subsidy available under Medicare Part D, except in cases where the Department has deemed the individual to be compliant based on the Department's data.
- k) Appeal Rights
Any applicant or beneficiary aggrieved by action of the Department under the Act, whether in the denial of an application or amended application may request in writing that the Department reconsider its action, setting out the facts on which the request is based. The Department will consider the request and either affirm or modify its action.

The following definitions apply to the terms used in this Part:

~~"Act" means the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].~~

~~"Additional resident" means any person who is not filing a separate claim for the same claim year under this Act and who is living in the same residence with a claimant and for whom the household has provided more than half of that person's total financial support for a claim year.~~

~~"Applicant" means a claimant, any person in a household who has requested pharmaceutical assistance benefits on a claim filed by a claimant and any additional resident who would become a beneficiary if the claim is approved by the Department on Aging.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~"Beneficiary" means a person whose claim for pharmaceutical assistance benefits under the Act has been approved by the Department on Aging.~~

~~"Card" means an identification card issued to a Beneficiary by the Department of Revenue prior to January 1, 2001, and a Pharmaceutical Assistance Card issued to a Beneficiary by the Department of Revenue on and after January 1, 2001 and a Pharmaceutical Assistance Card issued to a Beneficiary by the Department on Aging on and after July 1, 2004.~~

~~"Claim" means an original paper application (Form No. IL-1363, possibly using Schedule A, Schedule B, and/or Schedule P), an amended paper application (Form No. IL-1363-X), or an electronic application filed by a verified Internet Filer for pharmaceutical assistance benefits under the Act.~~

~~"Claimant" means a person who has filed a claim for pharmaceutical assistance benefits under the Act [320 ILCS 25/3.01].~~

~~"Claim year" means the calendar year prior to the year in which an applicant files a claim for pharmaceutical assistance benefits.~~

~~"Coverage year" means the period of time during which a Beneficiary receives pharmaceutical assistance benefits for a claim year.~~

~~"Covered prescription drug" means any drug included in the categories listed in Section 119.30 for which the Department on Aging approves a claim for pharmaceutical assistance benefits.~~

~~"Current income" means household income for a claim year unless an applicant requests and is allowed by the Department on Aging to use projected income for a coverage year.~~

~~"Department" means the Illinois Department of Public Aid.~~

~~"Director" means the Director of the Illinois Department of Public Aid.~~

~~*"Disabled person" means a person who is unable to engage in any substantial gainful activity by reason of medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. [320 ILCS 25/3.14]*~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~"Disease" means a chronic and possibly recurrent illness of long duration, as distinguished from an acute illness that is of short duration with recovery due to limited medical treatment (such as in the case of colds, flu, pneumonia, bronchitis, or other similar illnesses).~~

~~"Electronic application" means the electronic document set forth in subsection (a) of 86 Ill. Adm. Code 530.305.~~

~~"Household" means a claimant or a claimant and his or her spouse living together in the same residence. [320 ILCS 25/3.05]~~

~~"Household income" means the combined income of the members of a household for a claim year. [320 ILCS 25/3.06]~~

~~"Program" means the Pharmaceutical Assistance Program provided for under the Act.~~

~~"Projected income" means household income expected to be received for a coverage year.~~

~~"Verified Internet Filer" means a person who meets the eligibility qualifications under 86 Ill. Adm. Code 530.310(b) and receives a confirmation number from the Department on Aging acknowledging transmission of a timely filed electronic application.~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.30 Low Income Subsidy~~Covered Prescription Drugs~~

- a) To be eligible for Illinois Cares Rx, Medicare-eligible enrollees must apply for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicate the individual would not be eligible for any low-income subsidy (LIS) as described in 89 Ill. Adm. Code 127.
- b) Eligibility of individuals who do not apply for LIS, except in cases where Department data clearly indicate the individual would not be eligible for any LIS, may be terminated at the end of the month following the month in which written notice of termination was given to the individual.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) If the beneficiary provides proof of application for LIS prior to the scheduled termination date, eligibility will not be terminated.
- a) ~~Drugs that fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act [225 ILCS 60], physician assistant licensed pursuant to the Physician Assistant Practice Act [225 ILCS 95], or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act [225 ILCS 65/Title 15] for treatment of heart disease and its related conditions, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
- 1) ~~Antihypertensives~~
 - 2) ~~Antianginals~~
 - 3) ~~Antiarrhythmics~~
 - 4) ~~Antihyperlipidemias~~
 - 5) ~~Beta Blockers~~
 - 6) ~~Digitalis Glycosides~~
 - 7) ~~Hypertension/Shock~~
 - 8) ~~Diuretics~~
 - 9) ~~Potassium~~
 - 10) ~~Anticoagulants~~
- b) ~~Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of diabetes, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Insulin~~
 - 2) ~~Insulin, Syringes and Needles~~
 - 3) ~~Oral Hypoglycemics~~
 - 4) ~~Pituitary Hormones~~
 - 5) ~~Glucose Elevators~~
- e) ~~Drugs purchased on or after January 1, 1987, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of arthritis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
- 1) ~~Hormones/Adrenal Cortical Steroids~~
 - 2) ~~Analgesics/Antirheumatics~~
 - 3) ~~Analgesics/Nonopiate Agonists~~
 - 4) ~~Antiprotozoals~~
 - 5) ~~Penicillamine~~
 - 6) ~~Analgesics/Narcotic Antagonists: Gout~~
 - 7) ~~Oncolytic/Antineoplastic: Antimetabolites~~
 - 8) ~~Immunosuppressives~~
- d) ~~Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~for the treatment of cancer, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~

- ~~1) Alkylating Agents~~
- ~~2) Antimetabolites~~
- ~~3) Antimitotic Agents~~
- ~~4) Epipodophyllotoxins~~
- ~~5) Antibiotics~~
- ~~6) Hormones~~
- ~~7) Enzymes~~
- ~~8) Platinum Coordination Complexes~~
- ~~9) Anthracenedione~~
- ~~10) Substituted Ureas~~
- ~~11) Methylhydrazine Derivatives~~
- ~~12) Cytoprotective Agents~~
- ~~13) DNA Topoisomerase Inhibitors~~
- ~~14) Biological Response Modifiers~~
- ~~15) Retinoids~~
- ~~16) Monoclonal Antibodies~~
- ~~17) Miscellaneous Antineoplastics~~
- ~~18) Narcotic Agonist Analgesics~~
- ~~19) Narcotic Analgesic Combinations~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

20) Anticonvulsants

- e) ~~Cholinesterase Inhibitor drugs purchased on or after January 1, 2001, which are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Alzheimer's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs.~~
- f) ~~Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of Parkinson's disease, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
 - 1) Anticholinergics
 - 2) Amantadine
 - 3) Bromocriptine Mesylate
 - 4) Carbidopa
 - 5) Levodopa
 - 6) Levodopa and Carbidopa
 - 7) Pergolide Mesylate
 - 8) Selegiline Hydrochloride
 - 9) Entacapone
 - 10) Tolcapone
 - 11) Dopaminergics

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Clonazepam

- g) ~~Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, therapeutically certified optometrist licensed pursuant to the Illinois Optometric Practice Act [225 ILCS 80/15.1], physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of glaucoma, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
- 1) ~~Alpha-2 Adrenergic Agonists~~
 - 2) ~~Sympathomimetics~~
 - 3) ~~Alpha-Adrenergic Blocking Agents~~
 - 4) ~~Beta-Adrenergic Blocking Agents~~
 - 5) ~~Miotics, Direct Acting~~
 - 6) ~~Miotics, Cholinesterase Inhibitors~~
 - 7) ~~Carbonic Anhydrase Inhibitors~~
 - 8) ~~Prostaglandin Agonists~~
 - 9) ~~Miscellaneous Combinations~~
- h) ~~Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of lung disease and smoking related illnesses, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Sympathomimetic Bronchodilators~~
 - 2) ~~Diluents~~
 - 3) ~~Xanthine Derivatives~~
 - 4) ~~Anticholinergic Bronchodilators~~
 - 5) ~~Leukotriene Receptor Antagonists~~
 - 6) ~~Leukotriene Formation Inhibitors~~
 - 7) ~~Corticosteroid Respiratory Inhalants~~
 - 8) ~~Mucolytics~~
 - 9) ~~Mast Cell Stabilizers~~
 - 10) ~~Respiratory Enzymes~~
 - 11) ~~Digestive Enzymes~~
 - 12) ~~Antiasthmatic Combinations~~
 - 13) ~~Antituberculosal Agents~~
 - 14) ~~Zyban~~
 - 15) ~~Nicotine~~
- i) ~~Drugs purchased on or after January 1, 2001, which fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987, physician assistant licensed pursuant to the Physician Assistant Practice Act of 1987, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of osteoporosis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
- 1) ~~Bisphosphonates~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Selective Estrogen Receptor Modulator~~
- 3) ~~Caleitonin-Salmon~~
- j) ~~Drugs purchased on or after January 1, 2004, that fall within the following categories and are prescribed by a physician licensed to practice medicine in all of its branches pursuant to the Medical Practice Act, physician assistant licensed pursuant to the Physician Assistant Practice Act, or advanced practice nurse licensed pursuant to Title 15 of the Nursing and Advanced Practice Nursing Act for the treatment of multiple sclerosis, qualify for inclusion in the Pharmaceutical Assistance Program as covered prescription drugs:~~
 - 1) ~~Corticosteroids~~
 - 2) ~~Immunomodulatory Agents (including Interferon Beta 1a and Interferon Beta 1b)~~
 - 3) ~~Immunosuppressants~~
 - 4) ~~Antineoplastics~~
- k) ~~A covered prescription drug must be approved by the Food and Drug Administration of the federal Department of Health and Human Services for the treatment of a specific disease category.~~
- l) ~~The specific covered prescription drugs that fall within each category will be listed in a handbook to be prepared and disseminated on the internet Web site of the Department. Updates regarding changes in the categories and specific covered prescription drugs will be made as necessary.~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.40 Automatic Enrollment of Program Beneficiaries

The Department may auto-enroll beneficiaries with a Coordinating Medicare Part D Prescription Drug Plan authorized under Section 1860D-1 of the Social Security Act. The Department shall enroll the eligible beneficiaries into a Coordinating Medicare Part D PDP in order to coordinate the members' Medicare prescription drug benefit coverage with coverage under the program.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~The Department may auto-enroll beneficiaries with a Medicare discount card sponsor authorized under the federal Medicare Modernization Act of 2003 (42 USC 1395w-101 et seq.) if the member is potentially eligible for Transitional Assistance under the Medicare Modernization Act (42 USC 1395w-141). The Department shall enroll the eligible beneficiaries into the discount card program sponsored by the claims administrator for the Program in order to coordinate the members' Medicare prescription drug benefit coverage with coverage under the Program.~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.50 Assignment and Coordination of Benefits~~Fees and Co-Payments~~

- a) Acceptance of benefits under Illinois Cares Rx, except for the Illinois Cares Rx Rebate, constitutes assignment of benefits from any private plan of assistance, including any insurance plan, public assistance program, or third party for covered prescription drugs under this program.
- b) The Department shall charge or collect payments from any private plan of assistance, including any insurance plan, public assistance program, or third party for any claims assigned by a beneficiary.
- a) **Fees**
 - 1) **An applicant must pay a fee to the Department on Aging for a card as follows:**
 - A) **An applicant must pay \$5 for a card if his or her household income for a claim year is below the poverty line.**
 - B) **An applicant must pay \$25 for a card if his or her household income for a claim year is at or above the federal poverty line. (See 320 ILCS 25/4(f).)**
 - 2) **The term "poverty line" means the official poverty line as defined by the Federal Office of Management and Budget at 42 USC 9902(2).**
 - 3) **Fees paid for cards will not be prorated if coverage is valid for a longer or shorter period than one year as determined by the Department on Aging in converting coverage to a fiscal year basis.**
- b) **Covered Prescription Drug Co-Payments**

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~A Beneficiary must make co-payments to an authorized pharmacy for covered prescription drugs as follows:~~
 - A) ~~A Beneficiary who pays \$5 for a card will pay no additional prescription costs until the accumulated total paid by this Program reaches \$2,000 for the State fiscal year, at which point the Beneficiary must pay a co-payment equal to 20 percent of the cost of each prescription paid for by this Program for the remainder of the State fiscal year.~~
 - B) ~~A Beneficiary who pays \$25 for a card must pay \$3 for each prescription until the accumulated total paid by this Program reaches \$2,000 for the State fiscal year, at which point the Beneficiary must continue to pay \$3 for each prescription plus a co-payment equal to 20 percent of the cost of each prescription paid for by this Program for the remainder of the State fiscal year. (See 320 ILCS 25/4(f).)~~
- 2) ~~A Beneficiary also must pay to an authorized pharmacy an ancillary charge for any covered prescription drug that is a brand name product if the pharmacy is reimbursed at the generic price as provided in Section 119.60(d)(2).~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.60 Covered Services~~Determination of Cost of Covered Prescription Drugs~~

- a) Illinois Cares Rx Plus
 - 1) For an individual enrolled in a Coordinating Medicare Part D Plan, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, coverage under the Illinois Cares Rx Plus Program shall consist of:
 - A) Payment to the individual's Coordinating Medicare Part D PDP for premium, deductible and cost sharing expenses, except for applicable cost sharing and co-payments set forth in Section 119.90 for pharmaceutical products covered by the individual's Medicare Part D PDP.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) Pharmaceutical products excluded by Medicare Part D but covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code.
- 2) For an individual not eligible for Medicare Part D, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, covered services under the Illinois Cares Rx Plus Program shall consist of pharmaceutical products that are covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code.
 - 3) For a Medicare-eligible individual who is enrolled in a non-coordinating Medicare Part D PDP and not enrolled in the Illinois Cares Rx Rebate Program, payment of the monthly Part D premium for basic coverage directly to the individual's Medicare Part D PDP.
- b) Illinois Cares Rx Basic
- 1) Except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, for individuals enrolled in a coordinating Medicare Part D PDP, coverage under the Illinois Cares Rx Basic Program shall consist of:
 - A) Payment to the individual's Medicare Part D PDP for premium, deductible and cost sharing expenses, except for applicable cost sharing and co-payments described in Section 119.90 for pharmaceutical products prescribed as described in Section 119.80 that are covered by the individual's Medicare Part D PDP.
 - B) Payment to a pharmacy for Illinois Cares Rx Basic Covered Pharmaceutical products excluded by Medicare Part D and prescribed as set forth in Section 119.80.
 - 2) For an individual not eligible for Medicare Part D, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, covered services under the Illinois Cares Rx Basic Program shall consist of pharmaceutical products that are prescribed as described in Section 119.80.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) For a Medicare-eligible individual who is enrolled in a non-coordinating Medicare Part D PDP and not enrolled in the Illinois Cares Rx Rebate Program, payment of the monthly Part D premium for basic coverage directly to the individual's Medicare Part D PDP.
- c) If a coordinating Medicare Part D PDP has an approved actuarially equivalent benefit design pursuant to Section 1860D-2(a)(3)(B) of the Social Security Act, the Department may adjust the threshold at which a beneficiary begins paying 20 percent cost sharing if necessary for the PDP to coordinate administration of the Illinois Cares Rx benefit with the Medicare Part D benefit. The threshold may not be lower than \$1,750.
- d) An individual determined eligible for Illinois Cares Rx who is enrolled in a third-party plan that provides a pharmacy benefit or a Medicare Part D PDP that is not a Coordinating Medicare Part D PDP may choose the Illinois Cares Rx Rebate option in lieu of receiving the covered services set forth in subsection (a), (b) or (c) of this Section. An individual enrolled in Illinois Cares Rx Rebate receives his or her benefit in the form of a monetary payment (a monthly payment of \$25) made to the individual. An individual who has been determined eligible for the full low income subsidy (LIS) may not choose Illinois Cares Rx Rebate.
- ~~a) The Department will pay an authorized pharmacy the reasonable cost of pharmaceutical services that such pharmacy provided to a Beneficiary pursuant to a physician's oral or written prescription authorization.~~
- ~~b) Determination of Reasonable Cost. For contracts executed and in effect on or after July 1, 2002, the Department will determine the rate for the reasonable cost of covered prescription drugs for which payment will be made to an authorized pharmacy in an amount equal to:~~
- ~~1) the lesser of:~~
- ~~A) the Average Wholesale Price (AWP) for the covered prescription drug minus 14 percent, based on the National Drug Code (NDC) number for the original package size from which such drug was dispensed (AWP is determined by the most current information provided by drug pricing services such as First DataBank or other source nationally recognized in the retail prescription drug industry selected by the Department's claims processing vendor); or~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) ~~the Maximum Allowable Cost (MAC) for the covered prescription drug, based on the MAC list for this Program (MAC is determined by the Department's claims processing vendor); or~~
- C) ~~the usual and customary cost for the covered prescription drug; plus~~
- 2) ~~the professional dispensing fee; less~~
- 3) ~~any applicable co-payments, deductibles, and ancillary charges.~~
- e) ~~Professional Dispensing Fee. For contracts executed and in effect on or after July 1, 2002, the Department shall determine the professional dispensing fee to be charged by authorized pharmacies. The professional dispensing fee shall be in the amount of \$2.55 per prescription.~~
- d) ~~Payment~~
 - 1) ~~Payment to authorized pharmacies will be allowed for covered prescription drugs legally marketed in accordance with the rules and regulations of the Food and Drug Administration of the federal Department of Health and Human Services.~~
 - 2) ~~Payment will be at the generic price as provided in subsection (b) unless the following conditions exist:~~
 - A) ~~an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or~~
 - B) ~~a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product for which no generic equivalent is available; or~~
 - C) ~~beginning January 1, 2001, an oral prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and the prescriber stipulates "brand medically necessary" and that substitution is not permitted; or~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~D) beginning January 1, 2001, a written prescription is filled, refilled, or renewed for a covered prescription drug that is a brand name product containing one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33 and indicates on its face "brand medically necessary" and that substitution is not permitted.~~
- e) ~~Pharmacy's Cost of On-line Communications. Each authorized pharmacy participating in this Program shall pay all costs, charges and fees incurred by the pharmacy that are related to on-line communication and the processing of claims or other information sent to or from the Department or the Department's claims processing vendor.~~
- f) ~~The reasonable cost of covered prescription drugs available to beneficiaries in this Program shall not exceed the cost of such drugs when dispensed to the general public.~~
- g) ~~In the event that generic equivalents for covered prescription drugs are available at lower cost, the Department shall establish the maximum allowable cost for such covered prescription drugs at the lower generic cost as provided in subsection (b).~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.70 Prior Authorization and Preferred Drug List (PDL) ~~Authorized Pharmacy Qualifications~~

- a) For Medicare-eligible individuals enrolled in a coordinating Medicare Part D PDP, the Department may enforce the PDP's Preferred Drug List by requiring tiered copays of \$15 for each dispensing of a non-preferred drug.
- b) For individuals not enrolled in Medicare, the Department may utilize a Preferred Drug List (PDL) enforced through the prior approval process and other utilization controls including, but not limited to, maximum quantity, daily dose and refill-too-soon.

~~Only pharmacies that are registered in Illinois under the Pharmacy Practice Act [225 ILCS 85] are authorized pharmacies eligible to participate in this Program. (See 320 ILCS 25/6(d).)~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 119.80 Illinois Cares Rx Basic Covered Prescription Drugs Assignment and Coordination of Benefits

The Illinois Cares Rx Basic Program shall cover pharmaceutical products as described in this Section for the treatment of heart disease and its related conditions, diabetes, arthritis, cancer, Alzheimers' disease, Parkinson's disease, glaucoma, lung disease and smoking related illnesses, osteoporosis, and multiple sclerosis.

- a) Drugs prescribed for treatment of heart disease and its related conditions that fall within the following categories qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Antihypertensives
 - 2) Antiarrhythmics
 - 3) Antihyperlipidemics
 - 4) Cardiac Glycosides
 - 5) Calcium Channel Blockers
 - 6) Vasodilators
 - 7) Anti-Adrenergic/Sympatholytics
 - 8) Renin Angiotensin System Antagonists
 - 9) Diuretics
 - 10) Potassium Supplements
 - 11) Anticoagulants
 - 12) Vasopressor Used in Shock
 - 13) Potassium Removing Agents
 - 14) System Alkalinizers

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Drugs that fall within the following categories for the treatment of diabetes qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Insulin
 - 2) Syringes and Needles
 - 3) Oral Hypoglycemics
 - 4) Posterior Pituitary Hormones
 - 5) Hyperglycemics
- c) Drugs that fall within the following categories and are prescribed for the treatment of arthritis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Adrenocortical Steroids
 - 2) Antimalarials
 - 3) Analgesics
 - 4) Antirheumatic Agents
 - 5) Immunomodulators
 - 6) Immunosuppressives
 - 7) NSAIDS
 - 8) Penicillamine
- d) Drugs that fall within the following categories and are prescribed for the treatment of cancer qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:
- 1) Analgesics

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) [Anticonvulsants](#)
- 3) [Antineoplastics](#)
- 4) [Immunomodulators](#)
- e) [Drugs that fall within the following categories and are prescribed for the treatment of Alzheimer's disease qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:](#)
 - 1) [NMDA Receptor Antagonists](#)
 - 2) [Cholinesterase Inhibitors](#)
- f) [Drugs that fall within the following categories and are prescribed for the treatment of Parkinson's disease qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:](#)
 - 1) [Antiparkinson Agents, Anticholinergics](#)
 - 2) [Antiparkinson Agents, Other](#)
 - 3) [Pituitary Suppressive Agents](#)
- g) [Drugs that fall within the following categories and are prescribed for the treatment of glaucoma qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:](#)
 - 1) [Miotics/Other Intraocular Pressure Reducers](#)
 - 2) [Mydriatics](#)
 - 3) [Carbonic Anhydrase Inhibitors](#)
- h) [Drugs that fall within the following categories and are prescribed for the treatment of lung disease and smoking related illnesses qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:](#)
 - 1) [Bronchodilators](#)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) [Diluents](#)
 - 3) [Mucolytics](#)
 - 4) [Pancreatic Enzymes](#)
 - 5) [Smoking Cessation Products](#)
 - 6) [Corticosteroid Respiratory Inhalants and Combinations](#)
 - 7) [Antituberculosis Agents](#)
 - 8) [Mast Cell Stabilizers](#)
 - 9) [Leukotriene Receptor Antagonists](#)
 - 10) [Leukotriene Formation Inhibitors](#)
 - 11) [Monoclonal Antibodies](#)
 - 12) [Respiratory Enzymes](#)
- i) [Drugs that fall within the category of Bone Resorption Inhibitors and are prescribed for the treatment of osteoporosis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs.](#)
 - j) [Drugs that fall within the following categories and are prescribed for the treatment of multiple sclerosis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:](#)
 - 1) [Immunomodulators](#)
 - 2) [Immunosuppressives](#)
 - 3) [Adrenocortical Steroids](#)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- k) An Illinois Cares Rx Basic covered prescription drug must be approved by the Food and Drug Administration of the federal Department of Health and Human Services for the treatment of a specific disease category.
- a) ~~Where a Beneficiary is entitled to benefits from any private plan of assistance, including any insurance plan, public assistance program, or third party for covered prescription drugs under this Program, he or she must execute an assignment of those benefits to the Department. (See 320 ILCS 25/6(d)(4).)~~
- b) ~~The Department shall charge or collect payments from any private plan of assistance, including any insurance plan, public assistance program, or third party for any claims assigned by a Beneficiary. (See 320 ILCS 25/4(f) and 6(d).)~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.90 Co-Payments and Cost Sharing ~~Payments to Authorized Pharmacies~~

Unless a federal low-income subsidy results in lesser co-payments and cost sharing, a Beneficiary enrolled in Illinois Cares Rx shall be responsible for payment of co-payments and cost sharing as follows:

- a) The applicable co-payment shall be equal to that required by Medicare Part D for "other low income subsidy eligibles" pursuant to 42 CFR 423.782(b) (in 2006, those co-payments are \$2 for each dispensing of a generic prescription and \$5 for each dispensing of a brand name prescription). For individuals enrolled in Medicare Part D, copayments are \$15 for each dispensing of a non-preferred drug.
- b) Twenty percent of the reimbursable amount of the prescription plus the applicable co-payment for each prescription dispensed after the Illinois Cares Rx benefit amount has reached \$1,750 for the calendar year.
- c) For those enrolled in Medicare Part D, the Illinois Cares Rx benefit amount is the total payments made by the PDP to pharmacies on behalf of the beneficiary, whether paid as a part of the Medicare benefit or the Illinois Cares Rx benefit. For those not in Medicare, the Illinois Cares Rx benefit amount is the total payments made by the Department to pharmacies on behalf of the beneficiary.
- d) A beneficiary also must pay to an authorized pharmacy an ancillary charge for any covered prescription drug that is a brand name product if the pharmacy is reimbursed at the generic price as provided in Section 119.100(b)(2) and (3).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Payments to authorized pharmacies under the Act shall be made in accordance with the State Prompt Payment Act [30 ILCS 540]. [320 ILCS 25/6(d)(7)]

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.100 Pharmacy Payment~~Execution of Contracts~~

- a) Direct payment to pharmacies by the Department is made only for pharmaceutical products for individuals not enrolled in Medicare Part D or for Medicare Part D excluded pharmaceutical products covered by the Department when dispensed to individuals enrolled in Medicare Part D.

- b) Reimbursable Amount
 - 1) Except as provided in subsections (b)(2), (3) and (4) of this Section, the reimbursable amount for a pharmaceutical product eligible for direct payment by the Department shall be:
 - A) For legend (prescription) drugs, the Department shall pay the lower of:
 - i) the pharmacy's prevailing charge to the general public; or
 - ii) the Department's maximum price plus a dispensing fee of \$2.25 for both generic and brand name drugs less applicable co-payments and cost sharing as set forth in Section 119.90.
 - B) For generic drugs, the Department's maximum price is calculated as the lowest of:
 - i) the average wholesale price minus 25 percent; or
 - ii) the Federal Upper Limit for drugs; or
 - iii) the State Upper Limit for drugs.
 - C) For brand name drugs, the Department's maximum price is calculated as the average wholesale price minus 14 percent.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- D) For those over-the-counter drugs that are covered, the Department shall pay the lower of:
- i) the prevailing charge to the general public; or
 - ii) the average wholesale price plus 25 percent; or
 - iii) the State Upper Limit.
- 2) If a generic drug is available, based upon the Illinois Formulary for Drug Product Selection Program (77 Ill. Adm. Code 790), and the individual wants the brand name equivalent of the drug, the reimbursable amount shall be that of the generic drug.
- 3) If a brand name drug is dispensed when the reimbursable amount is that for the generic drug, the individual shall be responsible for paying the difference between the reimbursable amount (based upon the generic drug) and what would have been the reimbursable amount for the brand name drug, plus the applicable co-payment or cost sharing.
- 4) Payment by the Department to a participating pharmacy for a pharmaceutical product dispensed to an individual eligible for Illinois Cares Rx shall be the difference of the reimbursable amount, as described in subsection (b) of this Section, less applicable co-payments, as described in Section 119.90, and any amount paid or payable by Medicare or another third party as described at 89 Ill. Adm. Code 140.12(h)(2).
- 5) The reimbursable amount to pharmacies for prescriptions processed by a Medicare Part D PDP shall be at the contracted rate between the pharmacy and the PDP.
- c) **Provider Participation**
In order to bill the Department directly for prescriptions dispensed to participants in the Illinois Cares Rx Program, pharmacies shall be enrolled in the Medical Assistance Program under Article V of the Public Aid Code.
- a) ~~The Director or his or her designee has the authority to enter into written contracts with any State agency, instrumentality or political subdivision, or a fiscal intermediary for the purpose of making payments to authorized pharmacies who~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~participate in this Program and coordinating this program with other public assistance programs. [320 ILCS 25/6(d)]~~

- b) ~~Contracts entered into by or on behalf of the Department and authorized pharmacies shall stipulate the terms and conditions for participation in this Program and the right of the Department to terminate participation for breach of contract or violation of federal or State law. [320 ILCS 25/6(d)(1)]~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.110 Inspection and Disclosure of Records~~Limitation on Prescription Size~~

- a) In order to ensure compliance with the requirements of the Act and to prevent fraud, the Department, or its designee, shall have the right:
- 1) to inspect the books and records of all authorized pharmacies (see 320 ILCS 25/6(d)(5)); and
 - 2) to require disclosure of information on individuals who receive health coverage, pharmaceutical benefits, or related services as policyholders, subscribers, or plan participants from entities subject to the Illinois Insurance Code [215 ILCS 5], Comprehensive Health Insurance Plan Act [215 ILCS 105], Dental Service Plan Act [225 ILCS 25], Children's Health Insurance Program Act [215 ILCS 106], Health Care Purchasing Group Act [215 ILCS 123], Health Maintenance Organization Act [215 ILCS 125] Limited Health Service Organization Act [215 ILCS 130], Voluntary Health Services Plans Act [215 ILCS 165], and Worker's Compensation Act [820 ILCS 305].
- b) Information received by the Department or its designee shall be confidential except for official purposes and as otherwise provided in the Act. (See 320 ILCS 25/4.1.)

An authorized pharmacy may not provide a Beneficiary with more than a 34-day supply of any covered prescription drug in filling, refilling, or renewing a prescription, except as otherwise specified for medical or utilization control reasons in the handbook and this Part prepared and disseminated on the internet Web site of the Department. [320 ILCS 25/6(d)(2)] Such an exception is specified in the handbook for covered prescription drugs classified as maintenance drugs that are less expensive to dispense in greater quantities due to larger daily dose requirements.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.120 Establishment of Liens~~Inspection and Disclosure of Records~~

The Director is entitled to establish a lien on any and all causes of action that accrue to a beneficiary as a result of injuries for which covered prescription drugs are directly or indirectly prescribed and for which payment was made under this program.

- a) ~~In order to ensure compliance with the requirements of the Act and to prevent fraud, the Department, or its designee, shall have the right:~~
- 1) ~~to inspect the books and records of all authorized pharmacies [320 ILCS 25/6(d)(5)]; and~~
 - 2) ~~to require disclosure of information on individuals who receive health coverage, pharmaceutical benefits, or related services as policyholders, subscribers, or plan participants from entities subject to the Illinois Insurance Code [215 ILCS 5], Comprehensive Health Insurance Plan Act [215 ILCS 105], Dental Service Plan Act [225 ILCS 25], Children's Health Insurance Program Act [215 ILCS 106], Health Care Purchasing Group Act [215 ILCS 123], Health Maintenance Organization Act [215 ILCS 125], Limited Health Service Organization Act [215 ILCS 130], Voluntary Health Services Plans Act [215 ILCS 165], and Worker's Compensation Act [820 ILCS 305].~~
- b) ~~Information received by the Department or its designee shall be confidential except for official purposes and as otherwise provided in the Act. [320 ILCS 25/4.1]~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.130 Penalties~~Establishment of Liens~~

- a) Any person who takes either of the following actions is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense:
- 1) on behalf of an authorized pharmacy, files a fraudulent claim for payment;
or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) fraudulently uses a card to obtain covered prescription drugs. (See 320 ILCS 25/9.)
- b) The Department, in cooperation with the Department on Aging, will recover from any beneficiary or authorized pharmacy any amount paid under this program on account of an erroneous or fraudulent claim, together with 6 percent interest per year.
- c) A prosecution for violation of the provisions of the Act may be undertaken at any time within three years after the commission of that violation. [320 ILCS 25/9]

~~The Director is entitled to establish a lien on any and all causes of action which accrue to a Beneficiary as a result of injuries for which covered prescription drugs are directly or indirectly prescribed and for which payment was made under this program. [320 ILCS 25/6(d)(3)]~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

Section 119.140 Penalties (Repealed)

- a) ~~Any person who takes either of the following actions is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense:~~
- 1) ~~on behalf of an authorized pharmacy, files a fraudulent claim for payment; or~~
- 2) ~~fraudulently uses a card to obtain covered prescription drugs. [320 ILCS 25/9]~~
- b) ~~The Department, in cooperation with the Department on Aging, will recover from any beneficiary or authorized pharmacy any amount paid under this program on account of an erroneous or fraudulent claim, together with 6 percent interest per year.~~
- c) ~~A prosecution for violation of the provisions of the Act may be undertaken at any time within three years after the commission of that violation. [320 ILCS 25/9]~~

(Source: Amended at 30 Ill. Reg. 10274, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.520 Adopted Action: Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-86
- 5) Effective Date of Amendment: May 26, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: February 10, 2006; 30 Ill. Reg. 1779
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: No changes have been made to this proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The SeniorCare provisions at Section 120.520 are being repealed because SeniorCare has been replaced by the Illinois Cares Rx Program under Public Act 94-86.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tamara Tanzillo Hoffman

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance

120.11 MANG(P) Eligibility

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard

120.40 Exceptions To Use Of MANG Income Standard

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings

120.64 MANG(P) Cases

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- Medical Support
- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility
 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
 120.510 Health Benefits for Workers with Disabilities
 120.520 SeniorCare [\(Repealed\)](#)
 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 120.540 Illinois Healthy Women Program
 120.TABLE A Value of a Life Estate and Remainder Interest
 120.TABLE B Life Expectancy

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006.

SUBPART I: SPECIAL PROGRAMS

Section 120.520 SeniorCare (Repealed)

- a) ~~To be eligible for SeniorCare pharmaceutical benefits as set forth at 89 Ill. Adm. Code 140.405, an individual must meet all of the following eligibility requirements:~~
- ~~1) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to Section 120.310.~~
 - ~~2) Reside in Illinois.~~
 - ~~3) Be 65 years of age or older.~~
 - ~~4) Assign rights to medical support and collection of payments as described in Section 120.319.~~
 - ~~5) Furnish his or her Social Security Number.~~
 - ~~6) Have countable annual income at or below 200 percent of the poverty guidelines published annually by the U.S. Department of Health and Human Services.~~
- b) ~~The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility, except that the following shall not be counted:~~
- ~~1) cash gifts;~~
 - ~~2) child support payments;~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 3) ~~Circuit Breaker grants;~~
 - 4) ~~damages awarded from a lawsuit for a physical personal injury or sickness;~~
 - 5) ~~Energy Assistance payments;~~
 - 6) ~~federal income tax refunds;~~
 - 7) ~~IRAs "rolled over" into other retirement accounts;~~
 - 8) ~~lump sums from inheritances;~~
 - 9) ~~lump sums from insurance policies;~~
 - 10) ~~money borrowed against a life insurance policy;~~
 - 11) ~~reverse mortgage income;~~
 - 12) ~~stipends from the Foster Parent and Foster Grandparent programs; and~~
 - 13) ~~Worker's Compensation.~~
- e) ~~Assets shall not be considered.~~
 - d) ~~SeniorCare participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for SeniorCare benefits.~~
 - e) ~~An individual who is eligible for medical assistance with a spenddown may participate in SeniorCare.~~
 - f) ~~An individual who receives benefits from any of the Medicare Savings programs (QMB, SLIB, or QI) may participate in SeniorCare.~~
 - g) ~~Application Process~~
 - 1) ~~Individuals shall apply by completing and submitting an application as specified by the Illinois Department of Revenue.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 2) ~~Spouses may apply on the same application as long as the application contains both signatures.~~
 - 3) ~~After eligibility is determined by the Illinois Department of Revenue, notice of the outcome shall be sent to the applicant.~~
 - 4) ~~An individual enrolled in SeniorCare shall receive coverage under his or her own name and unique Recipient Identification Number.~~
- h) ~~Enrollment Periods~~
- 1) ~~Enrollment shall be effective no later than one month after the date when the applicant was determined to be eligible for the program.~~
 - 2) ~~An individual who first enrolls in SeniorCare between July 1 and December 31 of any year shall be enrolled through the end of that State fiscal year. For example, an individual who first enrolls on December 1, 2002, shall be eligible through June 30, 2003.~~
 - 3) ~~An individual who first enrolls in SeniorCare between January 1 and June 30 of any year shall be enrolled through the end of that fiscal year plus all of the following fiscal year. For example, an individual who first enrolls on January 1, 2003, shall be eligible through June 30, 2004.~~
 - 4) ~~Individuals must reapply annually.~~
 - 5) ~~Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the State fiscal year.~~
- i) ~~Authorization of SeniorCare~~
- 1) ~~Once an individual has been determined eligible for SeniorCare, a SeniorCare identification card shall be sent to the individual.~~
 - 2) ~~Upon receipt of the card, the participant shall have the option of receiving a SeniorCare Rebate as established in 89 Ill. Adm. Code 140.405 instead of using the SeniorCare card. Enrollment in the SeniorCare Rebate option shall be effective prospectively for the month following the month in which the individual is approved for SeniorCare Rebate.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- j) ~~SeniorCare coverage shall terminate:~~
- 1) ~~at the end of a participant's enrollment period unless the participant reapplies timely and is found to continue to be eligible;~~
 - 2) ~~when a participant no longer resides in Illinois;~~
 - 3) ~~when a participant becomes an inmate of a public institution as set forth in 42 CFR 435.1008;~~
 - 4) ~~upon a participant's death; or~~
 - 5) ~~upon discovery that the initial determination of the participant's eligibility was incorrect.~~
- k) ~~Individuals applying for or enrolled in SeniorCare shall be entitled to appeal rights as described at 89 Ill. Adm. Code 102.80.~~

(Source: Repealed at 30 Ill. Reg. 10314, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
125.100	Amendment
125.110	Amendment
125.200	Amendment
125.205	Amendment
125.220	Amendment
125.230	Amendment
125.240	Amendment
125.245	Amendment
125.260	Amendment
125.265	New Section
125.300	Amendment
125.305	Amendment
125.310	Amendment
125.320	Amendment
125.330	Amendment
125.340	Amendment
125.400	Amendment
125.420	Amendment
125.430	Amendment
125.440	Amendment
125.445	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 26, 2006
- 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 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: December 2, 2005; 29 Ill. Reg. 19474

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:

Table of Contents

The title of Section 125.440 has been changed to "KidCare/FamilyCare Insurance Rebate".

Section 125.110

The definition of "Caretaker Relative" has been revised to read, "... means a relative, as specified in this definition, ...".

Section 125.200

In subsection (b), the previously adopted text is being retained.

Subsection (e)(1) has been revised to read, "United States veterans honorably discharged or individuals on active military duty, or the spouse or unmarried dependent children of such persons".

In subsection (e)(13), "one month of assistance" has been changed to "one month after assistance".

Section 125.205

In subsection (c)(2)(E), "levels" has been changed to "range".

In subsection (c)(3)(A), "are not paid" has been added after "Health Plan, and ", are not paid" has been deleted after "125.330".

In subsection (c)(3)(B), "is" has been added after "KidCare Rebate".

In subsection (d)(5), "KidCare Premium" has been changed to "KidCare/FamilyCare Premium".

In subsection (g), "an individual's" has been changed to "the individual's".

Section 125.240

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In subsection (b), "poverty" has been changed to "the Federal Poverty Level".

In subsection (c)(2), a comma has been added after the second "or" and "the FamilyCare Premium" has been changed to "FamilyCare Premium".

The following text has been added at the end of subsection (e):

"The duration of eligibility for the Program for children will be 12 months unless one of the events described in subsection (c)(1) or (c)(3) of Section 125.205 occurs. The 12 months of eligibility will commence when the first child in a family is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12-month eligibility period."

New subsection e)1)†) has been stricken or deleted, as appropriate, in its entirety.

New subsection (e)2) has been deleted in its entirety.

In subsection (f)(3), "Section" has been changed to "subsection" and "125.240" has been stricken.

Section 125.245

The third sentence of subsection (a)(3) has been revised to read, "However, if an individual ~~the child~~ is eligible for KidCare/FamilyCare Premium, ...".

Subsection (d)(2) has been revised to read, "Calling a toll free telephone number; (800/435-0774), or as designated by the Department).".

Section 125.260

In subsections (b), (c) and (d), all occurrences of "/FamilyCare" have been deleted.

In the third sentence of subsection (c), a comma has been added after "change in coverage".

In the last sentence of subsection (d), a comma has been added after "125.240(e)".

Section 125.265

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In subsections (b), (c) and (d), all occurrences of "KidCare" have been deleted.

In the third sentence of subsection (c), a comma has been added after "change in coverage".

At the end of subsection (c), "notwithstanding" has been changed to "except as described in".

In the second sentence of subsection (d), a comma has been added after "Section 125.240(e)".

Section 125.300

In subsection (b), "KidCare/" has been deleted.

Section 125.310

In subsections (b)(5)(A) and (B), changed "1 to 30-day supply" to "1_ to 30-day supply".

Section 125.320

In subsection (a), "FamilyCare" has been added after "KidCare".

In subsection (b), "three or more individuals" has been changed to "three ~~or more~~ individuals".

Section 125.440

The title of Section 125.440 has been changed to "KidCare/FamilyCare Insurance Rebate".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: These amendments address an expansion of health care under which more adults will qualify for medical benefits. This expansion of medical benefits for adults, known as FamilyCare, will provide medical coverage to parents and caretaker relatives who are 19 years of age or older, who have incomes up to 185 percent of the Federal Poverty Level, and who are responsible for children enrolled in the Children's Health Insurance Program. Eligible adults will receive the same medical benefits as their children under FamilyCare Share, FamilyCare Premium and FamilyCare Rebate, as described in the rulemaking. This expansion of care to eligible adults is permitted under the KidCare Parent Coverage Waiver. These changes are expected to make medical coverage available to an additional 74,000 parents and caretaker relatives.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF ~~HEALTHCARE AND FAMILY SERVICES~~ ~~PUBLIC AID~~
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125

CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

125.100 General Description
125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

125.200 Eligibility for Children's Health Insurance Program and Family Care
125.205 Eligibility Exclusions and Terminations
125.220 Application Process
125.225 Presumptive Eligibility for Children
125.230 Determination of Monthly Countable Income
125.240 Eligibility Determination and Enrollment Process
125.245 Appeals
125.250 Annual Renewals
125.260 Adding Children to ~~and Removing Children from~~ the Program and Changes in Participation
125.265 Adding Eligible Adults to the Program and Changes in Participation

SUBPART C: KIDCARE/FAMILYCARE HEALTH PLAN

Section

125.300 Covered Services
125.305 Service Exclusions
125.310 Copayments
125.320 Premium Requirements
125.330 Non-payment of Premium
125.340 Provider Reimbursement

SUBPART D: KIDCARE/FAMILYCARE REBATE

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 125.400 Minimum Coverage Requirements
- 125.420 Coverage Verification Process
- 125.430 Provision of Policyholder's Social Security Number
- 125.440 KidCare/[FamilyCare](#) Insurance Rebate
- 125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004; emergency amendment at 30 Ill. Reg. 535, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10328, effective May 26, 2006.

SUBPART A: GENERAL PROVISIONS

Section 125.100 General Description

This Part implements the Children's Health Insurance Program Act [215 ILCS 106] that authorizes the Department to administer an insurance program to assist families in purchasing health insurance benefits ~~for their children~~. The Program is not an entitlement. The Program will enable eligible ~~resident children~~ of Illinois, to the extent funding permits, access to health benefits coverage. The Department shall provide health benefits coverage to eligible ~~individual children~~ through purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.110 Definitions

For the purpose of this Part, the following terms shall be defined as follows:

"Act" means the Children's Health Insurance Program Act [215 ILCS 106].

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Caretaker Relative" means a relative [as specified in this definition](#), with whom the child lives, who is providing care, supervision and a home for the child.

[Caretaker relatives](#)~~Caretaker Relatives~~ include:

Blood or adoptive relatives within the fifth degree of kinship:

father and mother

brother and sister

grandmother and grandfather (including up to great-great-great)

uncle and aunt (including up to great-great)

nephew and niece (including up to great-great)

first cousin

first cousin once removed (child of first cousin)

second cousin (child of great-aunt/uncle)

Step relatives:

step-father and step-mother

step-brother and step-sister

A person who is or has been married to one of the above relatives.

"Department" means the Department of [Healthcare and Family Services](#)~~Public Aid~~ and any successor agencies.

["Eligible Adult" means an individual 19 years of age or older who is a parent or other caretaker relative and that individual's spouse if they reside together.](#)

"Family" means the child applying for the Program and the following [individuals](#)~~persons~~ who live with the child:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The child's ~~parents~~parent(s)

The spouse of the child's parent

Children under 19 years of age of the ~~parents~~parent(s) or the parent's spouse

The spouse of the child

The children of the child

If any of the above is pregnant, the unborn ~~children~~child(ren).

"FamilyCare" means expansion of coverage to include eligible adults as permitted by the KidCare Parent Coverage Waiver.

"Federal Poverty Level" means the federal poverty income guidelines as established by the federal Department of Health and Human Services and published in the *Federal Register*.

"KidCare/FamilyCare Health Plan" means the health benefits coverage containing cost sharing features that is available to eligible ~~families~~Families under the Children's Health Insurance Program or the KidCare Parent Coverage Waiver, and includes KidCare/FamilyCare Share (no premium required) and KidCare/FamilyCare Premium (premium required).

"KidCare/FamilyCare Rebate" means the program under which the Department, on behalf of an eligible ~~individual~~child, makes ~~rebate~~Rebate payments to offset a ~~family's~~Family's cost of insuring ~~an individual~~a-child under privately sponsored or employer-based health insurance.

"Medical Assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the program created under the Children's Health Insurance Program Act and this Part.

"Rebate" means the payment made by the Department under KidCare Rebate.

"REV" means the Recipient Eligibility Verification system through which

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

medical providers can obtain eligibility and claim status information electronically.

"Significant Health Insurance" means coverage that includes physician services and inpatient hospital services that would qualify for coverage under KidCare Rebate.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.200 Eligibility for Children's Health Insurance Program and FamilyCare

A child or eligible adult may be eligible under the Program provided that all of the following eligibility criteria are met:

- a) The child or eligible adult is not eligible for Medical Assistance including Section 120.32.
- b) The child is under 19 years of age.
- c) Countable Income
 - 1e) AThe child is a member of a family~~Family~~ whose monthly countable income is above 133 percent of the Federal Poverty Level and at or below 200 percent of the Federal Poverty Level.
 - 2) An eligible adult is a member of a family whose monthly income is above 133 percent of the Federal Poverty Level and at or below 185 percent of the Federal Poverty Level.
- d) The individualehild is a resident of the State of Illinois.
- e) The individualehild is either a United States citizen or included in one of the following categories of non-citizens:
 - 1) United States veterans honorably discharged or individuals on active military duty, or the spouse or unmarried dependent children of such persons.~~Unmarried dependent children of either a United States veteran honorably discharged or a person on active military duty.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) Refugees under Section 207 of the Immigration and Nationality Act.
 - 3) Asylees under Section 208 of the Immigration and Nationality Act.
 - 4) Individuals~~Persons~~ for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act.
 - 5) Individuals~~Persons~~ granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980.
 - 6) Individuals~~Persons~~ lawfully admitted for permanent residence under the Immigration and Nationality Act.
 - 7) Parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act.
 - 8) Nationals of Cuba or Haiti.
 - 9) Individuals identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking.
 - 10) Amerasians from Vietnam.
 - 11) Members of the Hmong or Highland Laotian tribe when the tribe helped United States personnel by taking part in military or rescue operations.
 - 12) American Indians born in Canada.
 - 13) Individuals who are a spouse, widow or child of a United States citizen or a spouse or a child or a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the United States citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month after assistance and whose need for assistance is due, at least in part, to the abuse.
- f) The individual's~~child's~~ Social Security Number (SSN) is provided to the Department, or if it has not been issued or is not known, proof that application has been made for an SSN is provided.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.205 Eligibility Exclusions and Terminations

- a) An individual~~A child~~ shall not be determined eligible for coverage under the Program if:
- 1) The individuale~~child~~ is an inmate of a public institution.
 - 2) The individuale~~child~~ is a patient in an institution for mental diseases.
 - 3) The individuale~~child~~ is a member of a family~~Family~~ that is eligible for health benefits coverage under a State of Illinois health benefits plan on the basis of a member's employment with a public agency.
 - 4) The individuale~~child~~ is in categories described in Section 125.200(e)(6) or (e)(7), and the individuale~~child~~ entered the United States on or after August 22, 1996; he or she shall not be eligible for five years beginning on the date the individuale~~child~~ entered the United States.
- b) An individual~~A child~~ with significant health insurance can choose between KidCare/FamilyCare Health Plan and KidCare/FamilyCare Rebate.
- c) Termination of an individual's~~a child's~~ coverage under the Program shall be initiated upon the occurrence of any of the following events:
- 1) A~~The~~ child becomes ineligible due to:
 - A) Losing his or her Illinois residency.
 - B) Attaining 19 years of age.
 - C) Becoming enrolled in Medical Assistance.
 - D) Meeting the provisions of subsection (a)(1) or (a)(3) of this Section.
 - 2) An eligible adult becomes ineligible due to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) Losing his or her Illinois residency.
- B) No child under 19 years of age remaining in the family.
- C) Becoming enrolled in Medical Assistance.
- D) Meeting the provisions of subsection (a)(1) or (a)(3) of this Section.
- E) Income exceeding the range established in Section 125.200(b)(2).
- 3) A child or an eligible adult becomes ineligible due to:
- A2) The ~~child's Caretaker Relative fails to pay the~~ required premiums under the KidCare/FamilyCare Health Plan are not paid, as specified in Sections 125.320 and 125.330.
- B3) An individual~~A child~~ enrolled in KidCare Rebate is no longer being covered under a private or employer-based health insurance plan, except that an individual~~a child~~ may change enrollment from KidCare/FamilyCare Rebate to the KidCare/FamilyCare Health Plan pursuant to Section 125.260(c).
- C4) The individual~~child's Caretaker Relative~~ fails to report to the Department changes in ~~non-financial~~ information that impacts upon the individual~~child's~~ eligibility for the Program.
- D5) The individual~~child's Caretaker Relative~~ makes a request to the Department to terminate the coverage.
- E6) The Department determines that the individual~~child~~ is no longer eligible based on any other applicable State or federal law or regulation.
- F7) The Department determines that the individual child's ~~Caretaker Relative~~ failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the eligibility determination.
- G8) There has been a Rebate overpayment and it has not been repaid to

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the Department according to terms established by the Department, which may include recoupment out of future Rebate payments or a payment plan.

- ~~H9~~) The Department determines that the individual's child's eligibility was incorrectly determined.
- ~~I40~~) The application was approved pending receipt of the individual's child's Social Security Number and it is not provided later when requested.
- d) Following termination of an individual's child's coverage under the Program, the following action is required before the individualechild can be re-enrolled:
- 1) A new application must be completed and the individualechild must be determined otherwise eligible;
 - 2) There must be full payment of premiums under the KidCare Health Plan, for periods in which a premium was owed and not paid for the individualechild, including premiums owed when the individualechild was, for purposes of this Part, a member of another familyFamily;
 - 3) Any overpayment of Rebates paid on behalf of the individualechild must be repaid to the Department. A Rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future Rebate payments;
 - 4) If the termination was the result of non-payment of premiums, the individualechild must be out of the Program for three months before re-enrollment; and
 - 5) The first month's premium must be paid if the individualechild is eligible for KidCare/FamilyCare Premium and the individual's familychild's Family chose to have coverage under subsection (g) of this Section when the individualechild was initially enrolled in the Program or if there was an unpaid premium on the date the individual's child's previous case was canceled.
- e) An application will be denied if any of the eligible adultsadults in the familyFamily was responsible as a caretaker relativeCaretaker Relative or eligible

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~adult of a child~~ during a period for which a premium under the Program was due to the Department ~~for that child~~ and the premium remains unpaid at the time of application. Such an application shall be denied regardless of whether the ~~individual child~~ for whom the premium remains unpaid is included in the application.

- f) An application will be denied if any of the eligible adults received benefits or adults in the Family was a caretaker relative ~~Caretaker Relative~~ of a child during a period for which a Rebate overpayment was received or was the payee of a Rebate overpayment and the overpayment has not been repaid to the Department. Such an application shall be denied regardless of whether the ~~individual child~~ for whom the Rebate overpayment remains unpaid is included in the application.
- g) A certificate of prior creditable coverage will be issued when the individual's ~~child's~~ coverage is terminated under the KidCare/FamilyCare Health Plan.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.220 Application Process

- a) Families will be able to apply for the Program using any of the following methods:
- 1) Submit the Department's application to an address specified by the Department.
 - 2) Apply at a Department of Human Services (DHS) local office.
 - 3) Apply through a KidCare Application Agent that has an agreement in place with the Department.
 - 4) Apply online at www.kidcareillinois.com.
 - 5) Additional methods that the Department establishes.
- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.
- c) Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application or financial information for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

eligible adults.

- d) The Department may cease accepting or processing applications if enrollment in the Program is closed due to limited appropriations.
- e) The Department shall send a notification of its determination within 45 calendar days after the date the application was received.
- f) The 45 calendar days may be extended when a decision cannot be reached because:
 - 1) information necessary for a determination is available only from a third party and the party fails to respond or delays his or her response to the request for such information, or
 - 2) additional information is needed from the applicant.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.230 Determination of Monthly Countable Income

- a) Monthly countable income for applications processed for the Program is determined by taking the total gross monthly income of the familyFamily and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.
- b) For the purpose of subsection (a) of this Section, the number of individualspersons in the familyFamily determines the applicable income standard.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.240 Eligibility Determination and Enrollment Process

- a) If the monthly countable income is at or below 133 percent of the Federal Poverty Level for the number of individualspersons in the familyFamily, the individualehild will be enrolled in Medical Assistance, if otherwise determined eligible pursuant to 89 Ill. Adm. Code 120, Subpart H.
- b) If the monthly countable income is above 133 percent and at or below 200 percent

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

of the Federal Poverty Level for a child, or at or below 185 percent of the Federal Poverty Level for an adult, for the number of individuals~~persons~~ in the family~~Family~~, and all other eligibility requirements of this Part are met and enrollment is open, the individuale~~child~~ will be enrolled in the Program.

- c) For purposes of cost sharing, families~~Families~~ in the KidCare/FamilyCare Health Plan will be enrolled into either KidCare/FamilyCare Share or KidCare/FamilyCare Premium as follows:
- 1) If monthly countable income is above 133 percent and at or below 150 percent of the Federal Poverty Level for the number of individuals~~persons~~ in the family~~Family~~, the individuale~~child~~ will be enrolled in KidCare/FamilyCare Share.
 - 2) If monthly countable income is above 150 percent and at or below 200 percent of the Federal Poverty Level for the number of individuals~~persons~~ in the family~~Family~~, ~~at~~ the child will be enrolled in KidCare Premium or, if monthly countable income is above 150 percent and at or below 185 percent of the Federal Poverty Level for the number of individuals in the family, an eligible adult will be enrolled in FamilyCare Premium.
- d) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.
- e) Eligibility determinations for the Program made by the fifteenth day of the month will be effective the first day of the following month. Eligibility determinations for the Program made after the fifteenth day of the month will be effective no later than the first day of the second month following that determination. The duration of eligibility for the Program for children will be 12 months unless one of the events described in Section 125.205(c)(1) or (c)(3) occurs. The 12 months of eligibility will commence when the first child in a family is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.
- ~~f) The duration of eligibility for the Program will be 12 months unless one of the events described in Section 125.205(c) occurs. The 12 months of eligibility will commence when the first child in a Family is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- fg) ~~Individuals~~~~Children~~ determined to be eligible for the KidCare/~~FamilyCare~~ Health Plan may obtain coverage for a period prior to the date of application for the Program. This coverage shall be subject to the following:
- 1) The ~~family~~~~Family~~ must request the prior coverage for the ~~individualehild~~ within six months following the initial date of coverage under the KidCare/~~FamilyCare~~ Health Plan.
 - 2) The prior coverage will be ~~individualehild~~ specific and will only be available the first time the ~~individualehild~~ is enrolled in the Program.
 - 3) The prior coverage will begin with services rendered during the two weeks prior to the date the ~~individual'sehild's~~ application for the KidCare/~~FamilyCare~~ Health Plan was filed and will continue until the ~~individual'sehild's~~ coverage under the KidCare/~~FamilyCare~~ Health Plan is effective pursuant to ~~subsection Section 125.240~~(e).

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.245 Appeals

- a) Any ~~person~~~~individual~~ who applies for or receives assistance under the Program shall have the right to appeal any of the following actions:
 - 1) Refusal to accept an application.
 - 2) Denial of an application or cancellation at the annual renewal including denial based on failure to meet one or more of the eligibility requirements specified in this Part. If the denial or cancellation is not upheld on appeal, coverage under the Program shall be retroactive to the date the coverage would have commenced had the application or annual determination been approved. However, if the ~~individualehild~~ is eligible for KidCare/~~FamilyCare~~ Premium, it will be at the ~~family's~~~~Family's~~ option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date the coverage would have commenced had the application been approved. All premium and copayment requirements shall apply to the retroactive period.
 - 3) Termination of coverage based on failure to continue to meet one or more

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

of the eligibility requirements specified in this Part. If the termination is not upheld on appeal and benefits were not continued during the appeal, coverage under the Program shall be reinstated retroactive to the termination date. However, if ~~an individual~~~~the child~~ is eligible for KidCare/FamilyCare Premium, it will be at the ~~family's~~Family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date of termination. All premium and copayment requirements shall apply to any retroactive period.

- 4) Determination of the amount of the premium, Rebate, or copayments required. Coverage, Rebate amount and any premium or copayment requirements, as determined by the Department, shall remain in force during the appeal process.
- b) In addition to the actions that are appealable under subsection (a) of this Section, individuals covered under the KidCare/FamilyCare Health Plan shall have the right to appeal any of the following actions:
- 1) Termination of coverage due to non-payment of the required premium.
 - 2) Denial of payment for a medical service or item that requires prior approval.
 - 3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.
- c) The Department's decision to deny an application due to closing of enrollment for the Program shall not be appealable.
- d) Individuals may initiate the appeal process by:
- 1) Filing a written, signed request for a hearing directed to the Department's Assistance Hearings Section;
 - 2) Calling a toll free telephone number, ~~(800/435-0774)~~, or as designated by the Department).
- e) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- f) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.
- g) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.
- h) If an appeal is initiated within ten calendar days after the notice of intended Department action and the individual specifically requests that the benefits be continued, benefits shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process. All copayment obligations including premiums must be met during the period.
- i) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern the handling of appeals and the conduct of hearings under the Program.
- j) An individual can, prior to a decision being rendered on the appeal, reapply for the Program.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.260 Adding Children to ~~and Removing Children from~~ the Program and Changes in Participation

- a) Families may add eligible children to the Program during the 12-month eligibility period, without eligibility being reviewed by the Department. Coverage for children added shall be prospective from the effective date determined according to Section 125.240(e) and shall continue for the remainder of the ~~family's~~Family's original 12-month eligibility period and may also include any prior coverage established pursuant to Section 125.240~~(f)~~(g).
- b) Premium amounts under the KidCare Health Plan and Rebates under KidCare Rebate will be adjusted to reflect adding or removing a child from the Program.
- c) A child who would otherwise be terminated from KidCare Rebate ~~pursuant to 125.205(b)(3) because of losing private or employer-sponsored health insurance~~ may change coverage to the KidCare Health Plan without eligibility being reviewed by the Department if there is no unpaid Rebate overpayment. Coverage under the KidCare Health Plan shall be prospective from the effective date

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

determined according to Section 125.240(e) and shall continue for the remainder of the existing 12-month eligibility period. However, at the time of the change in coverage, a ~~family~~**Family** may choose to have the KidCare Share or/Premium coverage retroactive to the first day of the first month following the last month of coverage under the private or employer sponsored insurance if the ~~family~~**Family** refunds within 30 days after the Department's notice that the child's coverage has been changed to KidCare Health Plan ~~and~~ any Rebate payment received for a month in which there was no private or employer based insurance coverage, notwithstanding Section 125.445(c).

- d) A child ~~with significant health insurance may choose to change coverage who would otherwise be terminated~~ from the KidCare Health Plan ~~pursuant to Section 125.205(c)(6) may change coverage~~ to KidCare Rebate without eligibility being reviewed by the Department if the ~~family child obtains coverage through a private or employer based insurance plan,~~ returns a Rebate form ~~within 30 days after the Department's notice that the Family's coverage under KidCare Health Plan is being terminated~~ and there are no unpaid premiums owed to the Department. Coverage under KidCare Rebate shall be prospective from the effective date determined according to Section 125.240(e), following receipt by the Department of a completed Rebate Form and shall continue for the remainder of the existing 12-month eligibility period.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.265 Adding Eligible Adults to the Program and Changes in Participation

- a) Families may add eligible adults to the Program during the 12-month eligibility period if ~~the~~ family income meets the income levels as stated in Section 125.240. Coverage for the added eligible adult shall be prospective from the effective date determined according to Section 125.240(e) and may also include any prior coverage established pursuant to Section 125.240(f).
- b) Premium amounts under the FamilyCare Health Plan and Rebates under FamilyCare Rebate will be adjusted to reflect adding or removing an eligible adult from the Program.
- c) An eligible adult who would otherwise be terminated from FamilyCare Rebate because of losing private or employer-sponsored health insurance may change coverage to the FamilyCare Health Plan if there is no unpaid Rebate overpayment. Coverage under the FamilyCare Health Plan shall be prospective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

from the effective date determined according to Section 125.240(e). However, at the time of the change in coverage, a family may choose to have the FamilyCare Share or Premium coverage retroactive to the first day of the first month following the last month of coverage under the private or employer sponsored insurance if the family refunds, within 30 days after the Department's notice that the person's coverage has been changed to FamilyCare Health Plan, any Rebate payment received for a month in which there was no private or employer based insurance coverage, except as described in Section 125.445(c).

- d) An eligible adult with significant health insurance may change coverage to FamilyCare Rebate if the family returns a Rebate form and there are no unpaid premiums owed to the Department. Coverage under FamilyCare Rebate shall be prospective from the effective date determined according to Section 125.240(e), following receipt by the Department of a completed Rebate Form.

(Source: Added at 30 Ill. Reg. 10328, effective May 26, 2006)

SUBPART C: KIDCARE/FAMILYCARE HEALTH PLAN**Section 125.300 Covered Services**

- a) For children covered under the KidCare Health Plan, covered health care services shall be the same covered services for children as described at 89 Ill. Adm. Code 140, 77 Ill. Adm. Code 2090, and 59 Ill. Adm. Code 132, except as provided in Section 125.305, and subject to appropriation and any applicable cost sharing requirements defined in Section 125.310 and Section 125.320.
- b) For eligible adults covered under the FamilyCare Health Plan, covered health care services shall be the same covered services for adults as described at 89 Ill. Adm. Code 140, 77 Ill. Adm. Code 2090, and 59 Ill. Adm. Code 132, except as provided at Section 125.305, and subject to appropriation and any applicable cost sharing requirements defined in Section 125.310 and Section 125.320.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.305 Service Exclusions

The following health care services will not be covered under the KidCare/FamilyCare Health Plan:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Services provided only through a waiver approved under Section 1915(c) of the Social Security Act.
- b) Abortion services.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.310 Copayments

- a) Copayments may be charged to the family~~Family~~ by a health care professional whenever the service is performed in an office or home setting, except for visits scheduled for well-baby care, well-child care or age-appropriate immunizations. Copayments may also be charged to the family~~Family~~ by hospitals, once per inpatient admission or outpatient encounter (including the emergency room). No copayment is permitted for visits to health care professionals or hospitals made solely for speech, occupational or physical therapy, audiology, radiology or laboratory services (including APL Group 2 procedures). Families with an enrolled individuale~~child~~ who is an American Indian or Alaska Native shall not be charged copayments.
- b) Copayment requirements are as follows:
 - 1) Practitioner office visit:
 - A) KidCare/FamilyCare Share copayment: \$2 per visit.
 - B) KidCare/FamilyCare Premium copayment: \$5 per visit.
 - 2) Home health care visit:
 - A) KidCare/FamilyCare Share copayment: \$2 per visit.
 - B) KidCare/FamilyCare Premium copayment: \$5 per visit.
 - 3) Inpatient hospitalization:
 - A) KidCare/FamilyCare Share copayment: \$2 per admission.
 - B) KidCare/FamilyCare Premium copayment: \$5 per admission.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) Outpatient encounter (including the emergency room):
 - A) KidCare/FamilyCare Share copayment: \$2 per visit.
 - B) KidCare/FamilyCare Premium copayment: \$5 per visit.
- 5) Prescription drugs:
 - A) KidCare/FamilyCare Share copayment: \$2 for a 1- to 30-day supply on both generic and brand name drugs.
 - B) KidCare/FamilyCare Premium copayments: \$3 for a 1- to 30-day supply on generic drugs or \$5 for 1- to 30-day supply on brand name drugs.
- 6) Nonemergency visit to an emergency room:
 - A) KidCare/FamilyCare Share copayments: \$2 per visit.
 - B) KidCare/FamilyCare Premium copayment: \$25 per visit.
- c) The maximum out-of-pocket expense a familyFamily will incur for copayments during a 12-month eligibility period is \$100.
- d) Once the familyFamily has satisfied the copayment cap, the familyFamily is responsible for submitting receipts, to the Department, documenting the payment of copayments. The Department may return partial documentation received on copayments to the familyFamily.
- e) Upon the Department determining that the copayment cap has been satisfied, the following will occur:
 - 1) A notice stating that the copayment cap has been satisfied, and the date satisfied, will be sent to the familyFamily.
 - 2) A message that the copayment cap has been satisfied, and the date satisfied, will be available through the family'sFamily's identification card.
 - 3) REV will be updated to reflect that the copayment cap has been reached.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- f) Providers will be responsible for collecting copayments under the KidCare/FamilyCare Health Plan.
- g) Providers may elect not to charge copayments. If copayments are charged, the copayment must comply with the requirements in this Section.
- h) Providers shall be responsible for refunding to the familyFamily copayments they collect after the familyFamily has reached the copayment cap.
- i) The Department will not require providers to deliver services when copayments properly charged under the KidCare/FamilyCare Health Plan are not paid.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.320 Premium Requirements

- a) Families with individualsehildren enrolled in KidCare/FamilyCare Premium pursuant to Section 125.240(c) must pay the premiums established by this Section.
- b) The premium amounts are \$15 for one individualehild, \$25 for two individuals,ehildren and \$30 for three or more individuals, \$35 for four individuals, and \$40 for five or more individualsehildren.
- c) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
- d) The premium due date will be 26 days after the fifth day of the calendar month preceding the month of coverage.
- e) The premium will not change during the eligibility period, unless the familyFamily adds or removes individualsehildren from the coverage.
- f) No premiums shall be charged to familiesFamilies with an enrolled individualehild who is an American Indian or Alaska Native.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.330 Non-payment of Premium

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) KidCare/FamilyCare Health Plan participants will have a grace period through the end of the month following the coverage month to pay the premium.
- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) Collection action will be initiated by the Department to collect unpaid premiums.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.340 Provider Reimbursement

- a) Providers under this Part shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code.
- b) Provider participation under this Part shall be voluntary.
- c) Providers under this Part shall be reimbursed in accordance with the established rates of the Department or other appropriate State agency.
- d) In addition to reimbursements received from the Department, providers may retain copayments defined in Section 125.310.
- e) Providers under this Part shall be prohibited from billing families~~Families~~ covered under the KidCare/FamilyCare Health Plan any difference between the charge amount and the amount paid by the Department, except for copayments as specified in Section 125.310.
- f) Providers shall be responsible for refunding to the family~~Family~~ copayments collected in excess of the amounts permitted by this Part.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

SUBPART D: KIDCARE/FAMILYCARE REBATE**Section 125.400 Minimum Coverage Requirements**

For an eligible individualehild to participate in KidCare/FamilyCare Rebate, the eligible

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

individualechild must be covered by an insurance plan that offers comprehensive major medical coverage providing benefits for physician services and hospital inpatient services.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.420 Coverage Verification Process

- a) All applications for participation in KidCare/FamilyCare Rebate must be accompanied by the Department's Insurance Rebate Form.
- b) Verification of insurance coverage for the previous coverage period will be required at the annual renewal of KidCare/FamilyCare Rebate.
- c) The Department, or its authorized agent, may verify insurance coverage for participants under KidCare/FamilyCare Rebate.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.430 Provision of Policyholder's Social Security Number

For an eligible individualechild to participate in KidCare/FamilyCare Rebate, the policyholder's valid Social Security Number must be provided.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.440 KidCare/FamilyCare Insurance Rebate

- a) The Rebate will be paid to the individual policyholder insuring the individualechild.
- b) The Department will issue Rebates on a monthly basis.
- c) The total dollar amount of the Rebate paid by the Department per individualechild per month shall be the lesser of:
 - 1) The maximum monthly amount set by the Department calculated in accordance with the restrictions in 215 ILCS 106/25 and available appropriations, or
 - 2) The policyholder's monthly portion of the premium paid for coverage of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

individualchildren enrolled under KidCare/FamilyCare Rebate.

- d) The Department shall set the amount of the Rebate, described in subsection (c) of this Section, prospectively.
- e) To be eligible for payment, a Rebate must equal at least one dollar.

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

Section 125.445 Rebate Overpayments

- a) For purposes of this Part, a Rebate overpayment occurs in any of the following circumstances:
 - 1) the monthly Rebate paid was higher than the policyholder's portion of the premium for the individualchildren enrolled in KidCare/FamilyCare Rebate;
 - 2) the monthly Rebate paid per individualehild was higher than the maximum monthly amount set by the Department pursuant to Section 125.440(c)(1);
 - 3) the Rebate was paid for an individuala-child who was incorrectly enrolled in KidCare/FamilyCare Rebate due to inaccurate or untruthful information provided on the application; ~~or~~
 - 4) the Rebate was paid for a period during which the individualehild was not covered by private or employer-based insurance meeting the requirements of Section 125.400; or
 - 5) the Rebate was paid for an eligible adult for whom an increase in income was not reported within ten days after the change and the family's income exceeded the upper limit set at Section 125.200(c)(2).
- b) Collection action will be initiated by the Department to collect Rebate overpayments.
- c) In cases where the familyFamily notified the Department of the loss of insurance of any enrolled individual or the increase of income with respect to an eligible adult within ten days after the changeend-of-coverage but past the date when the Department was able to stop issuance or adjust the amount of the next Rebate

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~check, the relevant portion of the~~ that Rebate ~~check~~ is not an overpayment.

- d) In cases where ~~an individual a child~~ is covered by private or employer-based insurance (regardless of whether the coverage meets the requirements of Section 125.400) and, due to Department error, Department of Human Services error or inaccurate information from an employer or other third party, ~~an individual a child~~ is enrolled in Rebate that should not have been or a Rebate payment is higher than it would have been if properly calculated based on accurate information, no overpayment occurs, provided the amount sent in any month does not exceed the maximum monthly amount set by the Department pursuant to Section 125.440(c)(1).

(Source: Amended at 30 Ill. Reg. 10328, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 89 Ill. Adm. Code 126
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
126.101	Repeal
126.105	Repeal
126.110	Repeal
126.116	Repeal
126.125	Repeal
126.130	Repeal
126.135	Repeal
126.140	Repeal
126.145	Repeal
126.150	Repeal
126.155	Repeal
126.160	Repeal
126.165	Repeal
126.200	Repeal
126.205	Repeal
126.210	Repeal
126.215	Repeal
126.220	Repeal
126.225	Repeal
126.230	Repeal
126.235	Repeal
126.240	Repeal
126.245	Repeal
126.250	Repeal
126.255	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Executive Order 2004-3
- 5) Effective Date of Repealer: May 26, 2006
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

- 8) A copy of the adopted repealer, 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: January 13, 2006; 30 Ill. Reg. 297
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences Between Proposal and Final Version: No changes have been made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this repealer replace any emergency repealers currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: These rules pertain to the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, which was initially administered by the Department of Revenue and then transferred to the Department of Public Aid (now the Department of Healthcare and Family Services) under Executive Order 2004-3, effective July 1, 2004. The Department subsequently adopted new administrative rules for operation of the Program at 89 Ill. Adm. Code 119 on February 25, 2005 (published at 29 Ill. Reg. 4069 on March 11, 2005). The Department of Revenue's rules (86 Ill. Adm. Code 530) were transferred to the Department (89 Ill. Adm. Code 126), but Part 126 is obsolete due to the adoption of Part 119. Therefore, Part 126 is being repealed with the adoption of this repealer.
- 16) Information and questions regarding these adopted repealers shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: The Illinois Prescription Drug Discount Program
- 2) Code Citation: 89 Ill. Adm. Code 126
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
126.10	New Section
126.20	New Section
126.30	New Section
126.40	New Section
126.50	New Section
126.60	New Section
126.70	New Section
126.80	New Section
126.90	New Section
126.100	New Section
126.110	New Section
126.120	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-86
- 5) Effective Date of Rules: May 26, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any 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: January 13, 2006; 30 Ill. Reg. 325
- 10) Has JCAR issued a Statement of Objection to these rules? Yes
 - A) Statement of Objection: May 26, 2006; 30 Ill. Reg. 9924
 - B) Agency Response: May 26, 2006; 30 Ill. Reg. 9926
 - C) Date Agency Response Submitted for Approval to JCAR: May 12, 2006

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

11) Differences Between Proposal and Final Version:***Section 126.20***

In the definition for "Program Administrator", "these administrative rules in" has been changed to "this".

Section 126.40

In the second sentence, "of \$10" has been added after "fee".

Section 126.70

In subsection (a)(2), "which contract" and "without further rulemaking" have been deleted.

The following text has been added at the end of subsection (a)(2): "The enrollment form requires the applicant's name, address, telephone number and income information."

Section 126.90

In subsection (a), "Rx Buying Club" has been changed to "Prescription Drug Discount Program".

In subsection (b), "Participating Pharmacy" and "Pharmacy's" have been changed to "participating pharmacy" and "pharmacy's", respectively

In subsection (d), "Drug Manufacturers" has been changed to "drug manufacturers".

In subsection (f), a comma has been added after "programs".

Section 126.100

In subsection (b), "Program" has been changed to "program".

Section 126.110

The last two sentences have been deleted.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rules currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rules: These amendments respond to Public Act 94-86 under which the Illinois Prescription Drug Discount Program was established, effective January 1, 2006. This new program, also known as the Illinois Rx Buying Club, will enable eligible Illinois residents to purchase prescription drugs at discounted prices. Illinois residents with household incomes that are equal to or less than 300 percent of the Federal Poverty Level are eligible for the new program. An annual enrollment fee will be required from all participants in the program. Authorized pharmacies that participate in the program shall enter into a contract with the Program Administrator. The program allows for negotiation with drug manufacturers for payment rebates. It is expected that price reductions on prescription drugs will benefit the health and well-being of Illinois residents by providing more affordable access to necessary pharmaceutical products.
- 16) Information and questions regarding these adopted rules shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 126

THE ILLINOIS PRESCRIPTION DRUG DISCOUNT PROGRAM

SUBPART A: PURPOSE AND DEFINITIONS

Section

- 126.10 Purpose
- 126.20 Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

- 126.30 Eligibility
- 126.40 Enrollment Fee
- 126.50 Other Administrative Responsibilities of the Department

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

- 126.60 Eligibility Determination
- 126.70 Enrollment
- 126.80 Re-enrollment
- 126.90 Other Administrative Responsibilities
- 126.100 Termination of Program Administrator

SUBPART D: FUNDING

- 126.110 The Illinois Prescription Drug Discount Program Fund

SUBPART E: DISCOUNTS

- 126.120 Discounts

AUTHORITY: Implementing, and authorized by Section 45 of, the Illinois Prescription Drug Discount Program Act [320 ILCS 55] and implementing and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 25 Ill. Reg. 12913; emergency expired November 27, 2001; amended at 25 Ill. Reg. 16508, effective December 18, 2001; amended at 26 Ill. Reg. 8437, effective May 24, 2002; emergency amendment at 26 Ill. Reg. 11126, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16981, effective November 7, 2002; amended at 27 Ill. Reg. 2699, effective January 31, 2003; amended at 28 Ill. Reg. 1133, effective January 2, 2004; 86 Ill. Adm. Code 530.101, 530.105, 530.110, 530.116, 530.125, 530.130, 530.135, 530.140, 530.145, 530.150, 530.155, 530.160 and 530.165(a), (d) and (e) transferred from the Department of Revenue (86 Ill. Adm. Code 530) to the Department of Public Aid (89 Ill. Adm. Code 126.101, 126.105, 126.110, 126.116, 126.125, 126.130, 126.135, 126.140, 126.145, 126.150, 126.155, 126.160 and 126.165(a), (b) and (c)) pursuant to Executive Order 2004-3; emergency amendment at 30 Ill. Reg. 563, effective January 1, 2006, for a maximum of 150 days; repealed by emergency rulemaking at 30 Ill. Reg. 926, effective January 1, 2006, for a maximum of 150 days; old Part repealed at 30 Ill. Reg. 10357 and new Part adopted at 30 Ill. Reg. 10359, effective May 26, 2006.

SUBPART A: PURPOSE AND DEFINITIONS

Section 126.10 Purpose

This Part implements the Illinois Prescription Drug Discount Program, also known as the Illinois Rx Buying Club, to enable Illinois citizens to purchase prescription drugs at discounted prices.

Section 126.20 Definitions

The following terms have the following meanings:

"Act" means the Illinois Prescription Drug Discount Program Act [320 ILCS 55].

"Authorized Pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987 or approved by the Department of Financial and Professional Regulation and approved by the Department or its Program Administrator.

"AWP" or "Average Wholesale Price" means the amount determined from the latest publication of the Red Book, a universally subscribed pharmacist reference

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

guide annually published by the Hearst Corporation. AWP may also be derived electronically from the drug pricing database synonymous with the latest publication of the Red Book and furnished in the National Drug Data File (NDDF) by First Data Bank (FDB), a service of the Hearst Corporation.

"Cardholder" means an eligible Illinois citizen who has enrolled in the program.

"Citizen" means a resident of the State of Illinois.

"Covered medication" means any medication included in the Illinois Prescription Drug Discount Program.

"Department" or "HFS" means the Department of Healthcare and Family Services.

"Director" means the Director of the Department of Healthcare and Family Services.

"Drug Manufacturer" means any entity that is located within or outside Illinois that is engaged in:

the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the program and that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois.

Drug manufacturer, however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

"Eligible Enrollee" means an eligible Illinois resident, with a household income equal to or less than 300 percent of the Federal Poverty Level (FPL), and who has paid the enrollment fee.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

"Federal Poverty Level" or "FPL" means the Federal Poverty Income Guidelines published annually in the Federal Register.

"Income" means household income equal to or less than 300 percent of the FPL.

"Participating Pharmacy" means any pharmacy that complies with the requirements of the Illinois Prescription Drug Discount Program.

"Prescription Drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Illinois Rx Buying Club created under the Illinois Prescription Drug Discount Program Act.

"Program Administrator" means the entity that is chosen by the Department to administer the program, consistent with the requirements of the Illinois Prescription Drug Discount Program and this Part 126.

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 126.30 Eligibility

Eligibility is limited to:

- a) Illinois Residents; and
- b) Households with incomes equal to or less than 300 percent of the FPL.

Section 126.40 Enrollment Fee

To participate in the program, an approved applicant must pay an amount determined by the Director of HFS upon enrollment and annually thereafter (Section 35(a) of the Act). The Director may, in his or her discretion, reduce the annual enrollment fee of \$10 based upon actual administrative costs. The Department shall establish, maintain and account for annual enrollment fees in the Illinois Prescription Drug Discount Program Fund.

Section 126.50 Other Administrative Responsibilities of the Department

- a) In discharging its administrative responsibilities pursuant to the Act, the Department will either act as the Program Administrator or enter into a contract

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

with an outside vendor, pursuant to Section 25 of the Act, and/or agreements with State agencies under which those entities will serve as the Program Administrator and/or exercise various recordkeeping and other administrative functions. Any contract or agreement must provide for inspection of appropriate records and audits of participating pharmacies or other appropriate measures deemed sufficient by the Director, in his or her discretion, to ensure contract compliance and to determine any fraudulent transactions or practices under the Act. Any contract entered into with outside vendors must be in compliance with the procedures and requirements set forth in the Illinois Procurement Code.

- b) The Department will reimburse the Program Administrator for the cost of cardholder enrollment, pursuant to the contract entered into by the Department and the Program Administrator. The amount of reimbursement will be at a rate to be agreed upon by the Department and the Program Administrator and will be set forth in specificity in the contract. Funds to pay the reimbursement shall come from the enrollment fee and can either be taken from the enrollment fee prior to deposit or deposited into the Fund and reimbursed back to the Program Administrator, at the discretion of the Director.
- c) The Department will, in cooperation with the Program Administrator, establish procedures for properly contracting for pharmacy services and validating compliance of authorized pharmacies with the Act and this Part 126.
- d) The Department shall report to the Governor and the General Assembly by March 1 of each year on the administration of the program.

SUBPART C: RESPONSIBILITIES OF THE PROGRAM ADMINISTRATOR

Section 126.60 Eligibility Determination

The Program Administrator shall obtain the necessary enrollment information from applicants and shall verify eligibility. Eligibility shall be determined within 30 days after receipt of the application.

Section 126.70 Enrollment

The Program Administrator shall:

- a) Enroll eligible applicants into the program.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- 1) Other eligible applicants may enroll by mail, facsimile or telephone process.
 - 2) Eligible applicants who enroll by mail or facsimile shall apply on the enrollment form, the content of which shall be approved by the Director, or his or her designee, and may be amended from time to time. The enrollment form requires the applicant's name, address, telephone number and income information.
- b) Distribute the identification card to the eligible enrollee.
 - c) Collect and deposit enrollment fees into the Illinois Prescription Drug Discount Program Fund.

Section 126.80 Re-enrollment

The period of enrollment in the program is one year. Cardholders must re-enroll each year by their one-year anniversary date or enrollment will be terminated.

Section 126.90 Other Administrative Responsibilities

- a) The Program Administrator shall contract with pharmacies electing to participate in the Illinois Prescription Drug Discount Program.
- b) The contract shall require that a participating pharmacy, at a minimum, in Illinois be licensed and in good standing. Participation of any pharmacy shall be terminated by the Department upon a pharmacy's breach of contract and/or violation of the terms of the Illinois Prescription Drug Discount Program Act.
- c) Cardholders may purchase medications in amounts up to a 90-day supply, except as may be necessary for utilization control reasons.
- d) The Department and/or Program Administrator may negotiate with one or more drug manufacturers for payment rebates. These rebate dollars are to be used to further reduce the prescription cost to the Illinois Prescription Drug Discount Program enrollees, consistent with the requirements of the Illinois Prescription Drug Discount Program.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- e) The Program Administrator is responsible for providing reports to the Department regarding enrollment participation, prescription costs, savings, pharmacy participation, and any other reports deemed necessary by the Department.
- f) The Program Administrator is responsible for providing customer service to cardholders and is responsible for developing, administering and promoting any clinical programs, such as disease management, implemented at the discretion of the Director.

Section 126.100 Termination of Program Administrator

- a) The contract with the Program Administrator may be terminated by the Director, with cause, upon 30 days written notice or, without cause, upon at least 120 days written notice.
- b) Upon written notice, determined by the Director to be reasonable under the circumstances requiring modification, the Director may require the Program Administrator to modify the conduct of the program.

SUBPART D: FUNDING

Section 126.110 The Illinois Prescription Drug Discount Program Fund

The Program Administrator shall collect and deposit enrollment fees into the Illinois Prescription Drug Discount Program Fund.

SUBPART E: DISCOUNTS

Section 126.120 Discounts

- a) The Program Administrator shall electronically communicate prescription drug discount information to the participating pharmacy.
- b) The Program Administrator shall ensure and guarantee that a cardholder will be charged no more than the rate agreed to in the contract.
- c) Any manufacturer or group purchasing organization rebate used to provide a discount greater than the agreed to pharmacy rate to the cardholder shall be reimbursed to the participating pharmacy subject to the availability of funds.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

- d) The cardholder shall receive the greatest discount through the participating pharmacy (at the point of sale). The total amount paid by the available cardholder for any prescription drug under this program shall not exceed the usual and customary charge for the prescription.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.405 Adopted Action: Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-86
- 5) Effective Date of Amendment: May 26, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: February 10, 2006; 30 Ill. Reg. 1793
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: No changes have been made to this proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.534	Amendment	April 14, 2006; 30 Ill. Reg. 6230
140.560	Amendment	April 14, 2006; 30 Ill. Reg. 6230
140.569	Amendment	January 27, 2006; 30 Ill. Reg. 1231

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: The SeniorCare provisions at Section 140.405 are being repealed because SeniorCare has been replaced by the Illinois Cares Rx Program under Public Act 94-86.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART C: PROVIDER ASSESSMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

Section	
140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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

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

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.405 SeniorCare Pharmaceutical Benefit (Repealed)a) ~~Definitions. For purposes of this Section:~~

~~"Brand name drug" means those drugs as defined in Section 140.440(g)(3).~~

~~"FPL" means the federal poverty income guideline as determined annually by the United States Department of Health and Human Services.~~

~~"Generic drug" means those legend drugs as defined in Section 140.440(g)(2).~~

~~"Over the counter items" means those pharmaceutical items that may be purchased off the shelf by the general public, but for Medicaid-eligible individuals require a prescription.~~

~~"Pharmaceutical product" means a brand name drug, a generic drug, or an over-the-counter item.~~

~~"Reimbursable amount" means the price payable by the Department or its agent for a pharmaceutical product, as defined in subsection (e) of this Section.~~

~~"SeniorCare" means the provision of benefits to individuals qualifying for medical assistance under the provisions of 89 Ill. Adm. Code 120.520.~~

~~"SeniorCare benefit amount" means the cumulative sum of the reimbursable amounts for prescribed pharmaceutical products received by an individual eligible for SeniorCare during any State fiscal year.~~

~~"SeniorCare rebate" means a SeniorCare benefit in the form of a monetary payment (a monthly payment of \$25) made to an individual enrolled in a third-party plan that provides a pharmacy benefit. The payment is made in lieu of the covered services described in this Section.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- b) ~~Covered Services~~
~~Except for an individual who elects to participate in the SeniorCare rebate program, covered services under the SeniorCare program shall consist of pharmaceutical products that are prescribed by licensed medical professionals authorized under State law to issue prescriptions within the scope of their professional practice, and subject to the provisions in Section 140.443.~~
- e) ~~Co-Payment~~
~~An individual eligible for SeniorCare benefits shall be responsible for payment of applicable co-payments. The co-payment for each brand name drug prescription or generic drug prescription is:~~
- ~~1) For an individual with a household income equal to or greater than the FPL, \$1 for each dispensing of a generic drug and \$4 for each dispensing of a brand name drug, in addition to any applicable co-payment under subsection (c)(2) of this Section.~~
 - ~~2) For all individuals, 20 percent of the reimbursable amount for each prescription dispensed after the SeniorCare benefit amount has exceeded \$1,750 for the State fiscal year. If any part of the cost is paid for by Medicare or another third party, the 20 percent is calculated on the net amount paid by the Department.~~
 - ~~3) On any prescription for which Medicare is the primary payer, the co-payments described in subsections (c)(1) and (2) of this Section do not apply.~~
- d) ~~Additional Payment~~
~~An individual eligible for SeniorCare benefits may be responsible for an additional payment to the pharmacy, as determined in subsection (e)(2) or (3) of this Section.~~
- e) ~~Reimbursable Amount~~
- ~~1) Except as provided in subsections (e)(2), (3) and (4) of this Section, the reimbursable amount for a pharmaceutical product shall be:~~
 - ~~A) For legend (prescription) drugs, the Department shall pay the lower of:~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- ~~i) the pharmacy's prevailing charge to the general public; or~~
 - ~~ii) the Department's maximum price plus a dispensing fee of \$2.25 for both generic and brand name drugs less applicable co-payments as set forth in subsection (c) of this Section.~~
 - ~~B) For generic drugs, the Department's maximum price is calculated as the lowest of:
 - ~~i) the average wholesale price minus 25 percent; or~~
 - ~~ii) the Federal Upper Limit for drugs; or~~
 - ~~iii) the State Upper Limit for drugs; or~~
 - ~~iv) the average wholesale price for drugs where that price is based upon the actual market wholesale price.~~~~
 - ~~C) For brand name drugs, the Department's maximum price is calculated as the lower of:
 - ~~i) the average wholesale price minus 14 percent ; or~~
 - ~~ii) the average wholesale price for drugs where that price is based upon the actual market wholesale price.~~~~
 - ~~D) For those over the counter items which are covered, the Department shall pay the lower of:
 - ~~i) the prevailing charge to the general public; or~~
 - ~~ii) the average wholesale price plus 25 percent.~~~~
- 2) If a generic drug is available, based upon the Illinois Formulary for Drug Product Selection Program (77 Ill. Adm. Code 790), and the individual wants the brand name version of the drug, the reimbursable amount shall be that of the generic drug unless the brand name drug is a federally defined narrow therapeutic index drug and substitution is not permitted

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

~~because the prescribing practitioner has indicated "brand medically necessary" on the prescription. The co-payment amount shall be based upon the generic drug.~~

3) ~~If a brand name drug is dispensed when the reimbursable amount is that for the generic drug, the individual shall be responsible for paying the difference between the reimbursable amount (based upon the generic drug) and what would have been the reimbursable amount for the brand name drug.~~

4) ~~If the Department contracts with a third party to manage some portion of the SeniorCare program, the reimbursable amount shall be the price established by the third party contractor for its pharmacy network or the amount required to be paid to pharmacies by the Department's contract with the third party.~~

f) ~~Provider Participation~~

~~In order to participate in the SeniorCare program, pharmacies shall meet the following requirements:~~

1) ~~Prior to enrolling with the Department of Public Aid, the pharmacy must possess a current registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301) and, if located in Illinois, a current controlled substances license issued by the Illinois Department of Professional Regulation (68 Ill. Adm. Code 1330) pursuant to the Illinois Controlled Substances Act [720 ILCS 570].~~

2) ~~The pharmacy must be licensed as required by applicable State and federal laws and regulations.~~

3) ~~The pharmacy must meet all enrollment criteria set forth by the Department of Public Aid and, if the Department contracts with a third party to manage some portion of the SeniorCare program, agree to the terms required for participation in that third party's pharmacy network.~~

4) ~~The pharmacy must agree to comply with all applicable State and federal laws and regulations.~~

5) ~~The pharmacy must agree to comply with all applicable Department of Public Aid policies and directives.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 6) ~~The pharmacy must agree not to limit prescriptions filled for individuals receiving care or services from the group practice or long term care facility to those written by practitioners connected with a group practice or long term care facility.~~
- 7) ~~If it is located in, or administratively associated with a group practice or long term care facility, the pharmacy must:~~
- A) ~~Provide the same scope of general pharmacy and professional services as does a pharmacy not so affiliated.~~
 - B) ~~Be retail in nature and open and accessible to the general public.~~
- 8) ~~A hospital pharmacy that provides pharmaceutical services and supplies for inpatients, outpatient clinic patients, or emergency room patients of the hospital shall not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (division V license).~~
- g) **Payment**
~~Payment by the Department to a participating pharmacy for a pharmaceutical product dispensed to an individual eligible for SeniorCare shall be the difference of the reimbursable amount, as described in subsection (e) of this Section, less applicable co-payments, as described in subsection (e) of this Section, and any amount paid or payable by Medicare or another third party as described in Section 140.12(h)(2).~~
- h) **SeniorCare Rebate**
~~An individual eligible for SeniorCare who maintains coverage by a third party plan that provides a pharmacy benefit may elect to participate in the SeniorCare rebate program. Individuals making that election shall receive a monthly payment of \$25.~~

(Source: Repealed at 30 Ill. Reg. 10370, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.140 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: May 26, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: September 30, 2005; 29 Ill. Reg. 14502
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: No changes have been made to this proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.126	Amendment	March 10, 2006; 30 Ill. Reg. 2681
148.295	Amendment	November 28, 2005; 29 Ill. Reg. 19043
- 15) Summary and Purpose of Amendment: Hospital outpatient rate modifications were implemented for fiscal year 2005 to hold aggregate projected spending at a neutral level. These changes were enacted in response to mandates under the Health Insurance Portability and Accountability Act (HIPAA) that may have resulted in increased spending

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

above the budgeted fiscal year amount. This anticipated growth based on changes in case mix was forecast to potentially adversely impact the outpatient budget. However, the service code change has been completed and outpatient rates are being restored to original levels under this amendment.

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

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217 557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

| CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 148.170 Population of Over Three Million
Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
 - A) Those services that meet the definition of the Ambulatory

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Procedure Listing (APL) as described in subsection (b) of this Section.

- B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).
 - D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Ambulatory Procedure Listing (APL)

Effective ~~January 1, 2006~~ July 1, 2004, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

- 1) APL Groupings
Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:
 - A) Surgical Groups

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this procedure shall be ~~\$1,794.00~~1,709.00.
- ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this procedure shall be ~~\$1,049.00~~999.00.
- iii) Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this procedure shall be ~~\$752.00~~716.00.
- iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. The rate for this procedure shall be ~~\$287.00~~273.00.

B) Diagnostic and Therapeutic Groups

- i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this procedure shall be ~~\$941.00~~896.00.
- ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

procedures typically include radiological consultation or a diagnostic study. The rate for this procedure shall be ~~\$304.00~~290.00.

iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure shall be ~~\$176.00~~168.00.

iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure shall be ~~\$136.00~~130.00.

C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An "intense

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be ~~\$181.00~~\$72.00.

- ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be ~~\$67.00~~\$64.00.
 - iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be ~~\$26.00~~\$25.00.
- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:
- i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be ~~\$74.00~~\$70.00;
 - ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be ~~\$222.00~~\$211.00;
or
 - iii) for at least 12 hours and 31 minutes or more of services, the rate shall be ~~\$443.00~~\$422.00.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for Type A psychiatric clinic services shall be \$68.00.
 - ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
 - iii) The rate for Type B psychiatric clinic services shall be \$101.00.
 - iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be \$102.00.
- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient-physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
 - ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be \$115.00.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- iii) The rate for rehabilitation services provided by Children's Hospitals shall be \$130.00.
- 2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:
- A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:
 - i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and
 - ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
 - B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.
 - C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:
 - i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.

- D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of ~~2.722-856~~, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of \$230.00 and the reimbursement rate for Type B psychiatric clinic services shall be \$224.00.

- E) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed in this Section.

- F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.
- 4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims which resulted in a zero payment by the Department. A one-time amount of:
 - A) \$27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).
 - B) \$24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
 - C) \$15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
- 5) County Facility Outpatient Adjustment
 - A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
 - i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

- ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.
 - iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.
- B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:
- i) "Base Year" means the most recently completed State fiscal year.
 - ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 - iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
 - iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.
- 6) No Year-End Reconciliation
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).
- 7) Rate Adjustments
With respect to those hospitals described in Section 148.25(b)(2)(A), the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- 9) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:
- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.
 - 2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).

- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
 - 4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
 - 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).
 - 7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- d) Non Hospital-Based Clinic Reimbursement

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) **County-Operated Outpatient Facility Reimbursement**
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:
 - A) **Base Rate.** The per encounter base rate shall be calculated as follows:
 - i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
 - ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
 - iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
 - iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.
 - B) **Supplemental Rate**
 - i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
 - ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
 - iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

(d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

- i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.
- ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.
- iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

- A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.
- 3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).
- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) ~~that~~which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
- e) Critical Clinic Providers
- 1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:
- A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
- B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
- C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
- D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.
- 2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.
- 3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).
- 4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- f) Critical Clinic Provider Pharmacies
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended at 30 Ill. Reg. 10393, effective May 26, 2006)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 94-697
- 5) Effective Date of Amendment: May 26, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any 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: January 13, 2006; 30 Ill. Reg. 327
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version:
In subsection (r), "2.69 percent" has been changed to "3 percent".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
153.100	Amendment	April 14, 2006; 30 Ill. Reg. 6257
- 15) Summary and Purpose of Amendment: Pursuant to Public Act 94-697, this amendment provides a 3 percent rate increase for intermediate care facilities for persons with

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

developmental disabilities (ICF/MR) and a 3 percent rate increase for developmental training (DT) agencies, effective January 1, 2006.

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

Tamara Tanzillo Hoffman
Office of the General Counsel, Rules Section
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100	Reimbursement for Long Term Care Services
153.125	Long Term Care Facility Rate Adjustments
153.150	Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006.

Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.
- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
 - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - 3) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.
 - 4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.
- q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.
- r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3 percent.
- s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), effective on January 1, 2006 shall be increased by 3 percent.

(Source: Amended at 30 Ill. Reg. 10417, effective May 26, 2006)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules of Procedure in Administrative Hearings
- 2) Code Citation: 56 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u>
120.100	Amended
120.110	Amended
120.115	New
120.130	Amended
120.140	Amended
120.150	Amended
120.160	Amended
120.200	Amended
120.210	Amended
120.220	Amended
120.300	Amended
120.310	Amended
120.320	Amended
120.330	Amended
120.400	Amended
120.410	Amended
120.510	Amended
120.520	Amended
120.530	Amended
120.540	Amended
120.545	New
120.550	Amended
120.560	Amended
120.600	Amended
120.610	Amended
120.630	Repealed
120.640	Amended
120.650	Amended
120.670	New
- 4) Statutory Authority: 5 ILCS 10/Art. 10
- 5) Effective Date of Amendments: May 24, 2006
- 6) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 7) Does this rulemaking 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: November 28, 2005; 29 Ill. Reg. 19082
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Minor technical changes were made. Sections 120.570 and 120.580, originally proposed to be repealed, were retained unamended. Section 120.670 was modified to place the actual cost of preparing the administrative record on the appealing party, rather than a flat \$500 fee.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The adopted amendments clarify provisions of the Department's formal hearing rules. The adopted amendments eliminate the requirement that documents be filed with the Office of Administrative Hearings, amend document filing requirements, add a provision for emergency motions, provide an additional method for service of documents, clarify how service of summons can be made, clarify the elements necessary for intervention, provide that all hearings are subject to the Illinois Rules of Evidence, simplify the format for an Administrative Law Judge's final administrative decision and add a provision for judicial review. The amendments also make technical non-substantive changes to be consistent with agency practice.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

312/793-7838

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

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER a: GENERAL ADMINISTRATIVE RULES

PART 120
RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	
120.100	Applicability
120.110	Definitions
120.115	Non-Applicability of the Rules
120.120	Burden and Standard of Proof
120.130	Filing
120.140	Form of Papers Filed
120.150	Computation of Time
120.160	Referral to Illinois Supreme Court Rules and Code of Civil Procedure

SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

Section	
120.200	Notice of Hearing
120.210	Manner of Service
120.220	Appearance

SUBPART C: MOTION, JOINDER AND INTERVENTION

Section	
120.300	Answer and Motion
120.310	Consolidation and Severance of Matters
120.320	Intervention
120.330	Postponement or Continuance of Hearing

SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

Section	
120.400	Prehearing Conferences
120.410	Discovery
120.420	Subpoenas

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section	
120.500	Authority of Administrative Law Judge
120.510	Ex Parte Communications
120.520	Disqualification of Administrative Law Judge
120.530	Contumacious Conduct
120.540	Consent Decree Findings and Rules or Orders
120.545	Settlement Agreements
120.550	Conduct of Hearings
120.560	Rules of Evidence
120.570	Official Notice
120.580	Hostile or Adverse Witnesses

SUBPART F: POST-HEARING PROCEDURES

Section	
120.600	Default
120.610	Official Record in Contested Cases
120.620	Briefs
120.630	Administrative Law Judge's Findings and Opinions (Repealed)
120.640	Administrative Law Judge's Decision and Order
120.650	Administrative Law Judge's Recommendations
120.660	Order of the Director
120.670	Judicial Review

AUTHORITY: Implementing and authorized by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 10/Art. 10].

SOURCE: Adopted at 25 Ill. Reg. 899, effective January 5, 2001; amended at 30 Ill. Reg. 10424, effective May 24, 2006.

SUBPART A: GENERAL PROVISIONS

Section 120.100 Applicability

This Part shall apply to all administrative hearings concerning contested cases conducted under the jurisdiction of the Director of Labor and/or the Department of Labor, ~~except for debarment proceedings conducted under Section 11a of the Prevailing Wage Act [820 ILCS 130/11a]~~ and

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~56 Ill. Adm. Code 100.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.110 Definitions

"Administrative Law Judge" means an attorney, licensed to practice law in the State of Illinois, presiding over an administrative hearing convened under this Part.

"Contested case" means *an adjudicatory proceeding (not including ratemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing.* [5 ILCS 100/1-30]

"Day" means a ~~business~~calendar day.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor or the Director's designee.

"Document" means pleading, notice, motion, affidavit, memorandum, brief, petition, or other paper or combination of papers required or permitted to be filed.

"Evidence" means those matters considered evidence under the Illinois Rules of Evidence [735 ILCS 5/Art. VIII]~~a paper, drawing, map, chart, report, study, or other tangible thing produced and submitted at a hearing, or testimony received at hearing.~~

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

"Party" means *each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.* [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, or public or private organization of any character other than an agency.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.115 Non-Applicability of the Rules

If a party fails to obtain or renew the registration, license or certification the party is required to obtain under the statutory framework the Director is required to enforce, the Director may issue a cease and desist order and seek judicial enforcement of the order through referral of the matter to the Attorney General.

(Source: Added at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.130 Filing

- a) Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to ~~the Office of Administrative Hearings, at~~ the Department's Chicago office. Filing, inspection, and copying of documents may be done at the Department in the Office of Administrative Hearings from 8:30 a.m. to 4:30 p.m. Monday through Friday, except for national and State legal holidays. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. Documents may also be inspected or copied at the Department's Springfield office by requesting of the ~~Department Office of Administrative Hearings~~ that those documents be transmitted by E-mail or fax to the Springfield office for that purpose, with the costs of transmission to be borne by the party transmitting the documents. Copying costs at the rate of 30 cents per page will be borne by the party requesting the copies of documents from the case file and/or copying to be borne by the requesting party.
- b) Filings received after 4:30 p.m. will be date-stamped the following business day.
- c) Documents may be filed with the ~~Department Office of Administrative Hearings~~ by certified, registered, or First Class mail, by messenger service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or computer modem, will not be accepted, except when specifically requested or ordered by the Administrative Law Judge.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.140 Form of Papers Filed

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- a) A document~~Documents~~ shall clearly show the title of the subject proceedings, nature of the document (i.e., motion, petition), the relevant statute that relates to the proceeding, the case number and the Administrative Law Judge who is hearing the matter;
- b) ~~Except as otherwise provided, the original and one copy of all documents, including notices, motions, and petitions, shall be filed with the Office of Administrative Hearings.~~
- be) Documents shall be typewritten or reproduced from typewritten copy on letter size white paper;
- cd) Exhibits, where possible, shall be reduced to conform to the size requirements of subsection (be). A party is not prohibited from enlarging an exhibit at hearing for demonstrative purposes as long as the exhibit is reduced to the size requirement in subsection (c) for the record~~However, one non-conforming copy may be filed with the Office of Administrative Hearings;~~ and
- de) One copy of each document filed shall be signed by the party or by its authorized representative or attorney. All documents shall bear the business address, fax number, if any, and~~and~~ telephone number of the attorney filing the document, or of the party who appears on his or her own behalf.
- e) Manner of service of all papers filed shall be in conformity with Section 120.210.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.150 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the date of filing of the document with the Department Office of Administrative Hearings~~and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday, or legal holiday. Notice and filing requirements shall be construed to mean notice and filing received by 4:30 p.m. Monday through Friday. Proof~~that of a notice of~~filing together with a copy of the document filed shall be served on all parties entitled to notice and the notice shall contain a certification by a person who sends the notice with a copy of the document filed describing how service was made, was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that the notice or filing was timely received.~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.160 Referral to Illinois Supreme Court Rules and Code of Civil Procedure

An Administrative Law Judge ~~shall~~may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules and the Code of Civil Procedure [735 ILCS 5], regarding any procedural question not regulated by this Part, the appropriate Act and the IAPA.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

SUBPART B: NOTICE OF HEARING, SERVICE AND APPEARANCE

Section 120.200 Notice of Hearing

- a) All hearings shall be initiated by the Director's issuance, upon written request or upon the Director's own motion, of a written Notice of Hearing, which shall be served upon all known parties to the hearing. Hearings under the Child Labor Law [820 ILCS 205] shall take priority over all other hearings.
- b) Service shall be complete when the Notice of Hearing is served:
 - 1) in accordance with how a summons is served on a person under Part 2 of the Civil Practice Law [735 ILCS 5/Art. II, Part 2]in-person; or
 - 2) by certified United States Mail, postage prepaid, addressed to the last known address of the person involved not less than 15 days before the day designated for the hearing; or-
 - 3) by U.S. mail, postage prepaid, to the address on file with the Department.
- c) A Notice of Hearing served under this Part shall include:
 - 1) The time, place and nature of the hearing;
 - 2) The legal authority and jurisdiction under which the hearing is to be held;
 - 3) A reference to the particular Section of the statutes and rules involved;
 - 4) A short and plain statement of the matters asserted, except where a more

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

detailed statement is otherwise provided for by law; and

- 5) A designation of an Administrative Law Judge to preside over the hearing and the address of the Administrative Law Judge.
- d) A copy of a Notice of Hearing served pursuant to this Part shall be referred to the Administrative Law Judge designated in the Notice, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.210 Manner of Service

Service of any document upon any personparty may be made by personal delivery ~~or by~~ registered or certified mail with return receipt signed by the personparty or its registered agent, or by U.S. regular mail, postage prepaid. Proof of service shall be made by affidavit of the person making personal service, or by a properly executed registered or certified mail receipt.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.220 Appearance

- a) Any person entitled to participateparticipation in proceedings may appear as follows:
 - 1) A natural person may appear on his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois.
 - 2) A corporation may appear through any officer designated or authorized to act on behalf of the corporation, employee, or representative, or by an attorney at law licensed and registered to practice in the State of Illinois.
 - 3) Any other person, including the State of Illinois, its agencies and all political subdivisions, may appear through any officer, employee, or representative, or by an attorney licensed and registered to practice in the State of Illinois.
- b) Attorneys not licensed and registered to practice in the State of Illinois may request to appear on a particular matter by filing a motion pro hac vice with the

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

Administrative Law Judge.

- c) An attorney appearing in a representative capacity shall file a separate written notice of appearance with the Administrative Law Judge, together with proof of service and notice of filing on all parties. [The appearance shall contain the name of the party or parties, the attorney representatives, the attorney's business address, telephone number, fax number and ARDC number if licensed in the State of Illinois.](#)
- d) An attorney who has appeared in a representative capacity and who wishes to withdraw from that representation shall file a notice of withdrawal with the Administrative Law Judge, together with proof of service and notice of filing on all parties.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

SUBPART C: MOTION, JOINDER AND INTERVENTION

Section 120.300 Answer and Motion

- a) Any party receiving a Notice of Hearing may file a written answer not later than 7 days ~~after receiving the notice of hearing~~[prior to the date of the hearing](#). All answers or motions preliminary to a hearing shall be presented to the Administrative Law Judge in accordance with Section 120.130 of this Part at least 7 days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted [and waiver of all affirmative defenses](#).
- b) Unless made orally on the record during a hearing, or unless the Administrative Law Judge directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. At least 2 copies of all motions shall be filed with ~~the Office of Administrative Hearings and one copy with~~ the Administrative Law Judge, and at least one copy served on each additional party, if any, to the hearing.
- c) Within 7 days after service of a written motion [or other document](#), or other period as the Administrative Law Judge may ~~require~~[prescribe](#), a party may file a response in support of or in opposition to the motion [and if necessary](#), accompanied by affidavits or other evidence. [A party has the right to request the Administrative Law Judge for leave to file a response to a motion.](#)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- d) No oral argument will be heard on a motion unless the Administrative Law Judge directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon. The brief will be no longer than 15 pages in length unless prior to the filing date leave is granted to file a brief greater than 15 pages.
- e) A written motion will be disposed of by written order and on notice of all parties.
- f) The Administrative Law Judge shall rule upon all motions, except that he or she shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is made within 10 days after the receipt of the notice of hearing. Any party may file a response to the objection within 10 days after service is raised at or before the time the party files his answer or motion, or, if no answer or motion is made, before the commencement of the hearing.
- i) A party has a right to file an emergency motion setting forth why an emergency exists and the Administrative Law Judge can deny the emergency motion solely on the basis that the motion did not demonstrate that an emergency exists.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.310 Consolidation and Severance of Matters

In the interest of convenient, expeditious and complete determination of matters, the Administrative Law Judge may consolidate or sever hearing proceedings involving any number or parties or issues, and may join or sever order additional parties for the complete administration of justice to be brought in.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.320 Intervention

- a) Upon timely written application, the Administrative Law Judge may in his or her

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

discretion permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when:

- 1) The party is so situated that he or she may be adversely affected by a final order arising from the hearing; ~~or~~
 - 2) The party requesting intervention is a necessary party to the hearing proceeding.~~A party's circumstances and the hearing proceeding have a question of law or fact in common.~~
- b) Two copies of a petition for intervention shall be filed with ~~the Office of Administrative Hearings and one copy shall be filed with~~ the Administrative Law Judge, and one copy served on each party. The Administrative Law Judge will determine whether a party is necessary and shall consider whether the necessary party intervention will unduly delay or prejudice the adjudication of the rights of the original parties.
- c) An intervenor shall have all the rights of an original party subject to the order of the Administrative Law Judge, except that the Administrative Law Judge may, in his or her ~~order~~Order allowing intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay may require.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.330 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Administrative Law Judge upon his or her own motion or upon the motion of a party to the hearing. A motion by a party shall set forth facts demonstrating ~~attesting~~ that the request for continuance is not for the purposes of delay. Examples of due cause include the unavailability of the Administrative Law Judge, a witness or a party due to an accident, illness or other circumstances beyond the person's control. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PREHEARING CONFERENCES, DISCOVERY AND SUBPOENAS

Section 120.400 Prehearing Conferences

- a) Upon the Administrative Law Judge's own motion or the motion of a party, the Administrative Law Judge may direct the parties or their counsel to meet with the Administrative Law Judge for a conference to consider:
- 1) Simplification of the issues;
 - 2) Necessity or desirability of amending documents for purposes of clarification, simplification or limitation;
 - 3) Stipulations and admissions of fact and of contents and authenticity of documents;
 - 4) Limitation of the number of witnesses;
 - 5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
 - 6) Such other matters as may tend to expedite the disposition of the proceedings and to assure a just conclusion.
- b) After the prehearing conference, the results of the prehearing conference will be set out in the transcript of proceeding. All parties are permitted to voice any objections to a prehearing order in the transcript of proceeding or in writing by a time certain set by the Administrative Law Judge. A party's failure to object will constitute a waiver of objection to the prehearing order or any part of that order.
- c) The Administrative Law Judge shall make an order that recites the action taken at the conference, the amendments allowed to any ~~pleadings~~ documents that have been filed, and the agreements made between the parties as to any of the matters considered and that limits the issues for hearings to those not disposed of by admissions or agreements. The order, when entered, controls the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

Section 120.410 Discovery

- a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Deposition may be taken in accordance with the Illinois Supreme Court Rules [S. Ct. Rules 201 through 230], except there will be no distinction between discovery deposition and evidence deposition orally or upon written interrogatories before any person designated by the presiding Administrative Law Judge and having power to administer oaths.
- b) Unless the prehearing conference order permits the taking of depositions, any Any party desiring to take the deposition of a witness may file a motion make application in writing to the presiding Administrative Law Judge, setting forth:
- 1) The reasons why the deposition should be taken;
 - 2) The time when, ~~the place where, and the name and post office address of the person before whom~~ the deposition is to be taken;
 - 3) The name and address of each witness; and
 - 4) The subject matter concerning which each witness is expected to testify.
- c) All parties shall receive notice of the taking of the deposition as determined by the Administrative Law Judge Any notice the presiding Administrative Law Judge may order shall be given by the party taking the deposition to every other party.
- d) Each witness testifying upon deposition shall be sworn, and the parties not calling the witness shall have the right to cross examine the witness. The questions and answers, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him or her, and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with 2 copies, in an envelope and mail the envelope by registered mail to the presiding Administrative Law Judge. Subject to objections to the questions and answers noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. Each deposition of a witness shall be transcribed. The witness shall be questioned in accordance with the Civil Practice Law and Rules of Illinois Supreme Court except all objections as to form and substance of question must be made during the deposition. No part of a deposition shall be admitted in evidence unless there is

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~a showing that the reasons for taking of the deposition in the first instance exist at the time of the hearing.~~

- e) ~~In the discretion of the Administrative Law Judge, he or she may permit, under terms that seem just and equitable, discovery that is permitted by Illinois Supreme Court Rules. Whenever appropriate to a just disposition of any issue in a hearing, the presiding Administrative Law Judge may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, production of documents by a party, or entry for inspection of the employment or place of employment involved.~~
- f) ~~Upon application of any party, the Administrative Law Judge may enter a protective order as permitted by Supreme Court Rule 201. The Administrative Law Judge may at any time on his or her own initiative, or on motion of any party or witness, make a protective order as justice requires denying, limiting, conditioning or regulating discovery to prevent unreasonable delay, expense, harassment, or oppression, or to protect trade secrets or confidential information.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

SUBPART E: CONDUCT OF HEARINGS AND RULES OF EVIDENCE

Section 120.510 Ex Parte Communications

- a) No party may engage in any ex parte communication with an Administrative Law Judge or with any member of the Department regarding matters pending before an Administrative Law Judge ~~or the Director~~.
- b) The Administrative Law Judge shall not initiate ex parte communications, directly or indirectly, in any matter in connection with any substantive issue, with any interested person or party. If the Administrative Law Judge receives any such ex parte communication, including any documents, he or she shall inform the other parties of the substance of any such oral communication or documents. The other parties shall be given an opportunity to review any such ex parte communication.
- c) Nothing shall prevent the Administrative Law Judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record. A member

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

of the Department may communicate with other members of the Department and a Department member or Administrative Law Judge may have the aid and advice of one or more personal assistants.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.520 Disqualification of Administrative Law Judge

At any time prior to the issuance of the Administrative Law Judge's decision or recommendations, a party may move to disqualify the Administrative Law Judge on the grounds of bias or conflict of interest. The motion shall be made in writing to the [General Counsel](#)~~Director~~, with a copy to the [Director and the](#) Administrative Law Judge, setting out the specific instances of bias or conflict of interest. [The General Counsel will assign the matter for a determination to an Administrative Law Judge not challenged in the motion.](#) An adverse decision or ruling, in and of itself, is not grounds for disqualification. The Administrative Law Judge's employment or contract as an Administrative Law Judge by the Department is not, in and of itself, a conflict of interest. The case shall be suspended until the [neutral Administrative Law Judge](#)~~Director~~ rules on the motion. The [neutral Administrative Law Judge](#)~~Director~~ may decline to disqualify the [presiding](#) Administrative Law Judge or appoint another Administrative Law Judge to hear the case.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.530 Contumacious Conduct

- a) Contumacious conduct at any hearing before the Administrative Law Judge shall be grounds for exclusion from the hearing.
- b) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including [but not limited to, excluding the testimony of witnesses, entering an order of default, entering an order that certain facts are deemed admitted for purpose of the proceeding, or entering](#) an order denying the application or complaint of a party ~~or regulating the contents of the record of the hearing.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.540 Consent ~~Decree Findings and Rules or Orders~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- a) ~~If the parties to the proceeding resolve, settle or compromise their dispute and as part of the settlement agreement and the parties desire the Administrative Law Judge to enter a consent decree in order to resolve the matter, the Administrative Law Judge shall enter the Consent Decree as long as the proposed Consent Decree does not violate the Act under which the contested case was brought and rules adopted under that Act. At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance or duration of the opportunity shall be in the discretion of the presiding Administrative Law Judge after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.~~
- b) ~~Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:~~
- ~~1) That the rule or order shall have the same force and effect as if made after a full hearing;~~
 - ~~2) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;~~
 - ~~3) A waiver of any further procedural steps before the presiding Administrative Law Judge; and~~
 - ~~4) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.~~
- c) ~~On or before the expiration of the time granted for negotiations, the parties or their counsel may:~~
- ~~1) Submit the proposed agreement to the presiding Administrative Law Judge for consideration; or~~
 - ~~2) Inform the presiding Administrative Law Judge that agreement cannot be reached.~~
- d) ~~In the event that an agreement containing consent findings and rule or order is~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~submitted in the time allowed, the presiding Administrative Law Judge may accept the agreement by issuing a decision based upon the agreed findings.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.545 Settlement Agreements

The Administrative Law Judge has no authority to change, amend or modify the Settlement Agreement of the parties to the proceeding.

(Source: Added at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.550 Conduct of Hearings

- a) All hearings shall be public unless required by statute to be otherwise.
- b) The following shall be the order of proceeding of all hearings, subject to modification by the presiding Administrative Law Judge for good cause:
 - 1) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
 - 2) Presentation of applicant's or complainant's opening statement;
 - 3) Presentation of objector's or respondent's opening statement;
 - 4) Applicant's or complainant's case;
 - 54) Objector's or respondent's case;
 - 65) Applicant's or complainant's case in rebuttal;
 - 76) Objector's or complainant's closing statement;
 - 87) Applicant's or respondent's closing statement;
 - 98) Set dates for any and all motions, written briefs, findings of fact and conclusions of law~~Presentation and argument of all motions prior to final order;~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

109) Presentation of written brief or proposed findings of fact, conclusions of law and order ~~if required or allowed by the presiding Administrative Law Judge~~; and

1140) ~~The filing~~Filing of ~~the decision on~~findings of fact and conclusions of law ~~and recommendations of~~ the Administrative Law Judge.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.560 Rules of Evidence

The Illinois Rules of Evidence shall apply unless by such application the Administrative Law Judge determines that application of any such rule would be an injustice. The Administrative Law Judge must state on the record his or her reasons for that determination.

- a) ~~A party shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Administrative Law Judge may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, an Administrative Law Judge may allow evidence to be received in written form.~~
- b) ~~The testimony of a witness shall be under oath or affirmation administered by the presiding Administrative Law Judge.~~
- e) ~~If a party objects to the admission or rejection of any evidence or to the limitation to the scope of any examination or cross-examination, or to the failure to limit such scope, he shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Administrative Law Judge shall admit the evidence subject to the right of the Administrative Law Judge to strike the evidence from the record either during the hearing or as a part of his or her findings of fact and conclusions of law if he or she should determine that it was improperly admitted. In this case, it shall not be~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~considered in making findings of fact, conclusions of law and recommendations.~~

- d) ~~Formal exception to an adverse ruling is not required.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

SUBPART F: POST-HEARING PROCEDURES

Section 120.600 Default

Failure of a party to appear at the hearing or failure to proceed as ordered by the Administrative Law Judge shall constitute a default. The Administrative Law Judge shall enter the appropriate default order ~~thereupon enter findings, opinions and recommendations as are appropriate under the pleadings and evidence he or she shall receive into the record.~~

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.610 ~~Official Record~~ in Contested Cases

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
- 1) All pleadings, including all notices and responses to those pleadings;
 - 2) A transcript of the hearing, if any, and all evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Any offers of proof, objections and rulings on that proof;
 - 5) Any proposed findings and acceptance;
 - 6) Any decision, opinion or report by the Administrative Law Judge;
 - 7) All staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
 - 8) Any ex parte communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60], but those communications shall not form the basis for

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

any finding of fact.

- b) The record shall also contain the following:
- 1) Subpoenas;
 - 2) Requests for Subpoenas;
 - 3) Cover letters;
 - 4) Notices of Filing;
 - 5) Certificates of mailing for regular mail and return receipts for certified mail; and
 - 6) Discovery Requests.
- c) The Department shall be the official custodian of the records of administrative hearings held by the Department.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.630 Administrative Law Judge's Findings and Opinions (Repealed)

~~The Administrative Law Judge's findings and opinions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.~~

(Source: Repealed at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.640 Administrative Law Judge's Decision and Order

~~The Administrative Law Judge's decision shall be in writing and when necessary include findings of fact and conclusions of law and opinions. The findings of fact shall be based exclusively on the evidence presented at hearing or known to all parties, including matters officially noticed. The~~Where authorized by statute or rule to act as the personal representative of the Director, the Administrative Law Judge shall, in addition to the decision, ~~findings and~~

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

~~opinions required by Section 120.630, render a decision and~~ issue an appropriate order ~~upon consideration of the record as a whole or such portion of the record as may be supported by competent, material and substantial evidence.~~ The decision in the case will be the decision for and of the Director and shall become effective immediately upon the execution of the order by the Administrative Law Judge or as otherwise specified within the order or an applicable statute. A copy of the order shall be delivered or mailed to each party of record and to each attorney of record.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.650 Administrative Law Judge's Recommendations

- a) Where the Director is required by law to be the sole, personal acting officer, the Administrative Law Judge shall, in lieu of decision and order under Section 120.640 ~~and in addition to the findings and opinions required by Section 120.630,~~ make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.
- b) The Administrative Law Judge shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions, and recommendations of the Administrative Law Judge and to present a brief to the Administrative Law Judge in support of those exceptions.
- c) The Administrative Law Judge shall then prepare and submit to the Director or his or her authorized representative a final set of findings, opinions and recommendations that, if a party submitted proposed findings of fact that might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs filed pursuant to this Section.

(Source: Amended at 30 Ill. Reg. 10424, effective May 24, 2006)

Section 120.670 Judicial Review

- a) If a party seeks judicial review of an Administrative Law Judge's decision, that party will pay the actual cost to the Department of preparing the administrative record and filing it in court. Payment shall be by certified check made payable to the Illinois Department of Labor.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- b) Actions for judicial review under this Section shall be filed where the hearing proceedings took place, which is either in the circuit court of Cook County or Sangamon County.

(Source: Added at 30 Ill. Reg. 10424, effective May 24, 2006)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Maximum Setback Zones
- 2) Code Citation: 35 Ill. Adm. Code 618
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
618.100	New Section
618.105	New Section
618.200	New Section
618.205	New Section
618.APPENDIX A	New Section
- 4) Statutory Authority: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27]
- 5) Effective Date of Rules: May 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted rules, including any material incorporated by reference, are on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 19503; December 2, 2005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The Board made minor, nonsubstantive changes at second notice in response to JCAR comments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rules: A more complete description of this rulemaking may be found in the Board's opinion and order of May 4, 2006, in Board docket R05-09. The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Board is adopting a new Part that establishes an expanded setback zone of up to 1,000 feet to provide additional protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County.

This rule is the first of its kind under Section 14.3 of the Environmental Protection Act (Act) (415 ILCS 5/14.3 (2004)), which allows for the establishment of "maximum setback zones" to prevent contamination of particularly vulnerable groundwater sources used by CWS. A setback zone restricts land use near the CWS well, providing a buffer between the well and potential sources or routes of contamination.

In Subpart A of Part 618, there are general provisions for maximum setback zones, including definitions. Subpart A's provisions apply to all maximum setback zones established in Illinois through Board rulemaking. Subpart B of Part 618 contains rules specific to the Marquette Heights CWS wells, including ones providing that: (1) certain activities within the setback are banned; and (2) other activities within the setback are subject to management and control standards. "New potential primary sources" of groundwater contamination are prohibited from locating wholly or partially within the Marquette Heights expanded setback. Examples of potential primary sources can include a unit at a facility (1) used to treat, store, or dispose of any hazardous or special waste not generated at the site, (2) used to dispose of municipal waste not generated at the site, other than landscape waste and construction and demolition debris, (3) used to landfill, land treat, surface impound or pile any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person, or (4) that stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

Section 618.Appendix A is a map that delineates the irregularly-shaped boundaries of the maximum setback zone relative to local land use plats. The distance from each wellhead to the setback boundaries varies from approximately 600 to 1,000 feet. The appendix also lists identification numbers of parcels that are located wholly or partially within the maximum setback.

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-6983

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R05-09 in your request. Board opinions and orders are also available from the Board's Web site (www.ipcb.state.il.us)

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section	
618.100	Purpose and Applicability
618.105	Definitions

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section	
618.200	Purpose and Applicability
618.205	1,000 Foot Maximum Setback Zone Prohibition

618.APPENDIX A Boundaries of Marquette Heights' Maximum Setback Zone

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. 10448, effective May 23, 2006.

SUBPART A: GENERAL

Section 618.100 Purpose and Applicability

This Part is established in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply. Pursuant to the authority of Section 14.3(d) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/14.3(d)], the provisions of this Part apply to all properties located wholly or partially within a maximum setback zone established under Section 14.3(d) of the Act and this Part.

Section 618.105 Definitions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in the Act, the Illinois Groundwater Protection Act [415 ILCS 55], or 35 Ill. Adm. Code 671.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Facility" means *the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business* [430 ILCS 45/3].

"New Potential Primary Source" means:

a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].

"New Potential Route" means:

a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].

"New Potential Secondary Source":

means a potential secondary source which:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.355]; but

excludes an agrichemical facility that modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides [415 ILCS 5/14.2(g)(4)].

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances [415 ILCS 5/3.345].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

"Potential route" means *abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel* [415 ILCS 5/3.350].

"Potential secondary source" means *any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:*

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].

"Setback zone" means *a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters* [415 ILCS 5/3.450].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

"Site" means *any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder* [415 ILCS 5/3.460].

"Unit" means *any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities.* [415 ILCS 5/3.515]

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizer, road oils, or de-icing agents falls within the unit boundary.

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section 618.200 Purpose and Applicability

- a) This Subpart prescribes maximum setback zone prohibitions and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616 in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.
- b) The provisions of this Subpart apply to all properties located wholly or partially within the maximum setback zone boundaries of Marquette Heights, as delineated in Appendix A of this Part:
 - 1) That are new potential primary sources of groundwater contamination pursuant to Section 14.3(d) of the Act; or
 - 2) That are existing or new activities regulated under 35 Ill. Adm. Code 615 or 616, excluding agrichemical facilities that affirmatively opt out of 35 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm. Code 257 or 77 Ill. Adm. Code 830.

Section 618.205 1,000 Foot Maximum Setback Zone Prohibition

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

New potential primary sources of groundwater contamination are prohibited from locating wholly or partially within the Marquette Heights' maximum setback zone boundaries delineated in Appendix A of this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 618.APPENDIX A: Boundaries of Marquette Heights' Maximum Setback Zone

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

WHOLLY CONTAINED		PARTIALLY CONTAINED	
102	111	106	118
21-011	27-039	64-010	50-020
36-018	21-049	65-010	51-018
	26-307	66-008	52-018
103	25-008	67-008	53-017
1-015	25-005	68-031	54-016
2-004	25-006	68-032	55-015
	34-033		56-014
106	34-034	109	57-015
66-007	31-031	105-008	58-012
69-006	31-032	122-027	59-011
70-005	32-030	123-028	67-005
71-004	33-044		66-004
72-003	34-028	111	66-003
73-002	34-027	153-021	64-002
74-001	35-025	153-022	
75-021	35-023	26-051	114
76-022	154-020	A-009	A-009
77-023	155-019	B-010	B-010
78-024	156-018	6-038	6-038
79-025	157-017	6-039	6-039
80-026	158-016	25-042	1-006
81-027	159-015		
82-028	160-014	120	103
83-029	161-013	15-002	3-003
84-030	162-012	14-001	
	163-011		102
108	164-010	119	36-016
108-008	165-009	30-017	30-017
107-007	166-008	5-005	5-005
106-006	167-007	6-006	22-010
105-005	168-006	7-007	7-007
110-004	169-005	8-008	8-008
111-003	170-004		101
112-002	171-003	20-010	20-010
113-001	172-002	105	105
114-019	173-001	PHK-001	PHK-001
038-008	174-000		
039-009	175-000		
040-010	176-000		
041-011	177-000		
042-012	178-000		
043-013	179-000		
044-014	180-000		
045-015	181-000		
046-016	182-000		
047-017	183-000		
048-018	184-000		
049-019	185-000		
050-020	186-000		
051-021	187-000		
052-022	188-000		
053-023	189-000		
054-024	190-000		
055-025	191-000		
056-026	192-000		
057-027	193-000		
058-028	194-000		
059-029	195-000		
060-030	196-000		
061-031	197-000		
062-032	198-000		
063-033	199-000		
064-034	200-000		
065-035	201-000		
066-036	202-000		
067-037	203-000		
068-038	204-000		
069-039	205-000		
070-040	206-000		
071-041	207-000		
072-042	208-000		
073-043	209-000		
074-044	210-000		
075-045	211-000		
076-046	212-000		
077-047	213-000		
078-048	214-000		
079-049	215-000		
080-050	216-000		
081-051	217-000		
082-052	218-000		
083-053	219-000		
084-054	220-000		
085-055	221-000		
086-056	222-000		
087-057	223-000		
088-058	224-000		
089-059	225-000		
090-060	226-000		
091-061	227-000		
092-062	228-000		
093-063	229-000		
094-064	230-000		
095-065	231-000		
096-066	232-000		
097-067	233-000		
098-068	234-000		
099-069	235-000		
100-070	236-000		
101-071	237-000		
102-072	238-000		
103-073	239-000		
104-074	240-000		
105-075	241-000		
106-076	242-000		
107-077	243-000		
108-078	244-000		
109-079	245-000		
110-080	246-000		
111-081	247-000		
112-082	248-000		
113-083	249-000		
114-084	250-000		
115-085	251-000		
116-086	252-000		
117-087	253-000		
118-088	254-000		
119-089	255-000		
120-090	256-000		
121-091	257-000		
122-092	258-000		
123-093	259-000		
124-094	260-000		
125-095	261-000		
126-096	262-000		
127-097	263-000		
128-098	264-000		
129-099	265-000		
130-100	266-000		
131-101	267-000		
132-102	268-000		
133-103	269-000		
134-104	270-000		
135-105	271-000		
136-106	272-000		
137-107	273-000		
138-108	274-000		
139-109	275-000		
140-110	276-000		
141-111	277-000		
142-112	278-000		
143-113	279-000		
144-114	280-000		
145-115	281-000		
146-116	282-000		
147-117	283-000		
148-118	284-000		
149-119	285-000		
150-120	286-000		
151-121	287-000		
152-122	288-000		
153-123	289-000		
154-124	290-000		
155-125	291-000		
156-126	292-000		
157-127	293-000		
158-128	294-000		
159-129	295-000		
160-130	296-000		
161-131	297-000		
162-132	298-000		
163-133	299-000		
164-134	300-000		



Legend

- Marquette Heights CMS Wells
- Marquette Heights Maximum Setback Zone
- Pekin Township Plat Map
- ILLINOIS EPA 2004

SOURCE INFORMATION

Pekin Township Plat Map obtained from Tazewell County Assessor's Office.
 Marquette Heights Community Water-Supply Well and Maximum Setback Zone information obtained from compiled and created by Illinois E.P.A. Groundwater Section



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 306
- 3) Section Number: 306.20 Adopted Action:
Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 2487; February 24, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: This rulemaking replaces requirements for entries specific to harness or thoroughbred racing with requirements governing both breeds. Stewards must approve more than 2 entries in one race. For stakes races with a minimum purse of \$20,000, entries either coupled or uncoupled shall be allowed and there shall be no restrictions on minimum betting interests. For stakes races with a minimum purse of \$200,000, common owner shall be allowed and there shall be no restrictions on minimum betting interests.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 306
TRIFECTA

Section	
306.10	Definition
306.20	Entries
306.30	Minimum Fields
306.40	Pool Distribution
306.50	Dead Heats
306.60	Scratches

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15225, effective November 1, 1995; amended at 24 Ill. Reg. 7397, effective May 1, 2000; amended at 26 Ill. Reg. 4900, effective March 20, 2002; amended at 26 Ill. Reg. 12355, effective August 1, 2002; amended at 27 Ill. Reg. 5024, effective March 7, 2003; amended at 30 Ill. Reg. 2651, effective February 21, 2006; amended at 30 Ill. Reg. 10459, effective June 1, 2006.

Section 306.20 Entries

- a) ~~For harness racing, only one entry, either coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests at the start of the race. For stakes races with a minimum purse of \$50,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests. In stakes races with purses of \$200,000 or more, common owner entries, either coupled or uncoupled, shall be allowed.~~
- a)b) ~~Entries~~For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in a trifecta race under the following conditions:
- 1) one entry requires at least six betting interests at the start of the race.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 2) two entries requires at least eight betting interests at the start of the race.
 - 3) more than two entries shall require approval from the Stewards.~~Executive Director or the State Director of Mutuels.~~
-
- b) For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - c) For stakes races with a minimum purse of \$200,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
 - d)e) This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.

(Source: Amended at 30 Ill. Reg. 10459, effective June 1, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
311.35	Amended
311.40	Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2006
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 2491; February 24, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: For superfecta wagers, minimum field requirements shall not be applicable to stakes races. In addition, this rulemaking replaces requirements for entries specific to harness racing or thoroughbred racing with requirements governing both. Stewards, not the Executive Director or Director of Mutuels, must approve more than 2 entries. For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests. For stakes races with a minimum purse of \$200,000, common owner shall be allowed and there shall be no restrictions on minimum

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

betting interests.

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

Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004; amended at 29 Ill. Reg. 14024, effective September 1, 2005; amended at 30 Ill. Reg. 2654, effective February 21, 2006; amended at 30 Ill. Reg. 10463, effective June 1, 2006.

Section 311.35 Minimum Fields

- a) Superfecta wagering shall not be scheduled on a race unless at least seven betting interests are carded. In the event of a scratch, superfecta wagering on a race in which six betting interests remain is permissible, provided there are no uncoupled entries.
- b) This Section shall not be applicable to ~~thoroughbred~~ stakes races ~~or standardbred~~ stakes races with a minimum purse of \$50,000.

(Source: Amended at 30 Ill. Reg. 10463, effective June 1, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 311.40 Entries

- a) ~~Entries~~For thoroughbred racing, entries, either coupled or uncoupled, shall be allowed in a superfecta race under the following conditions:
- 1) one entry requires at least seven betting interests at the start of the race.
 - 2) two entries require at least eight betting interests at the start of the race.
 - 3) more than two entries shall require approval from the ~~Stewards~~Executive Director or the State Director of Mutuels.
- b) For stakes races with a minimum purse of \$20,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
- c) For stakes races with a minimum purse of \$200,000, common owner entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
- ~~db)~~ This Section shall not apply to races that are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)] or for uncoupled entries permitted in 11 Ill. Adm. Code 1413.114(c) when there are thoroughbred stakes races with purses of \$250,000 or more.
- e) ~~For harness racing, only one entry, either coupled or uncoupled, shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000. In stakes races with purses of \$200,000 or more, common owner entries, either coupled or uncoupled, shall be allowed.~~

(Source: Amended at 30 Ill. Reg. 10463, effective June 1, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Racing and Track Rules
- 2) Code Citation: 11 Ill. Adm. Code 1314
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1314.20	Amended
1314.50	Amended
1314.150	Amended
1314.170	Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2006
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 2495; February 24, 2006
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: No additional harness races will be permitted without the written approval of the Executive Director (now Board Secretary) of the IRB. Strikes the requirement that racing must be completed not later than midnight because the Horse Racing Act permits racing past midnight. Requires the stewards to approve the photo finish equipment. Several nonsubstantive technical changes were also made.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1314
GENERAL RACING AND TRACK RULES

Section	
1314.10	Number of Races (Repealed)
1314.20	Extra Races
1314.30	Postponement of Races
1314.40	Postponement Procedure
1314.50	Post Time
1314.60	Head Numbers
1314.70	License Display
1314.80	Bonafide Contests
1314.90	Payment Default
1314.110	Liability for Promoters
1314.120	Bad Checks
1314.130	Advertised Purse
1314.140	Advertising and Awards
1314.150	Allocation of Stalls
1314.160	Paddock and Receiving Barn
1314.170	Photofinish and Starting Gate
1314.180	Driver Insurance
1314.190	Interference with Officials
1314.200	Film Recordings
1314.210	Penalty for Violation of Rules
1314.220	Stall Availability
1314.230	Limitation on Purse Reductions

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended at August 8, 1973; added March 15, 1974, filed March 22, 1974; amended April 11, 1974, filed and effective April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended August 21, 1976, filed August 30,

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1976; codified at 5 Ill. Reg. 10939; amended at 16 Ill. Reg. 8229, effective May 19, 1992; amended at 30 Ill. Reg. 10467, effective June 1, 2006.

Section 1314.20 Extra Races

No additional races on a racing date will be permitted without the written approval of the Executive Director~~Secretary of the Board~~, and subject to conditions by the Board.

(Source: Amended at 30 Ill. Reg. 10467, effective June 1, 2006)

Section 1314.50 Post Time

- a) ~~In the event that racing pursuant to the hours prescribed by the license for the meeting is conducted at night or twilight, the wagering program must be completed no later than midnight.~~

b) Post time for the first race of the program may be fixed by the race track operator. If post time must be delayed, ~~the said~~ operator must receive approval of ~~the said~~ delay from the Stewards~~state steward~~.

(Source: Amended at 30 Ill. Reg. 10467, effective June 1, 2006)

Section 1314.150 Allocation of Stalls

- a) No race track operator shall allocate stalls except pursuant to a written stall application and agreement, the form of which shall have been approved by the Board. The racing secretary shall be responsible for stall allocation unless some other official is substituted by the race track operator to perform ~~that such~~ function and the Board notified of the substitution~~thereof~~.

b) Notification

- 1) The racing secretary shall give each applicant written notice specifying whether ~~an his~~ application, with respect to each stall requested, has been accepted, denied, or placed in a pending status. ~~The Such~~ notice shall be given not later than five days prior to the start of the meeting or ten days after receipt of the stall application, whichever ~~occurs last shall be last to occur~~.

- 2) Within ten days after initial notification is required by this Section~~rule~~,

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

final action shall be taken and written notice ~~thereof~~ given with respect to any stall application originally placed, in whole or in part, in a pending status.

- c) The racing secretary's view of the best interests of racing and of the meeting in question shall govern his action on stall applications, and he shall be allowed broad discretion in performing this function. Nevertheless:
- 1) No action on a stall application shall be based upon –
 - A) the race, color, creed, religion, national origin or sex of the applicant, or
 - B) an arbitrary or capricious decision, or a decision not related to any reasonable view of the best interests of racing or of the meeting in question.
 - 2) No stall allocation shall be conditioned upon the payment, transfer or delivery to the racing secretary, or to any other person designated by him, of any money, property or other thing of value or upon the applicant's promise to make ~~such~~ payment, transfer or delivery.
- d) Any owner, trainer or other person believing himself to be aggrieved by a violation of this ~~Section~~rule may file a written complaint with the Board, which shall conduct a hearing with respect to the alleged violation. If the Board determines that such a violation has occurred, it may impose a fine upon the race track operator not to exceed \$500: for each violation, may order that stalls be allocated to the complainant and may take ~~such~~ other action as it deems appropriate. In order to facilitate the conduct of inquiries into alleged violations of this ~~Section~~rule, the racing secretary shall cause all stall applications, stall agreements, correspondence and other related material to be retained until the close of the meeting or for ~~asuch~~ longer period as the Board may direct.
- e) In passing upon stall applications that are of substantially equal merit, the racing secretary shall give preference to applications submitted with respect to horses owned by Illinois residents.
- f) Acceptance of an application for stall space for any horse shall be conditioned upon proof of a negative ~~AGID~~(Coggins) test for equine infectious anemia.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 30 Ill. Reg. 10467, effective June 1, 2006)

Section 1314.170 Photofinish and Starting Gate

- a) At all tracks a photo finish and starting gate must be used. Whenever the judges use a photo to determine the order of finish, it shall be posted for public inspection during that same racing program. Photo finish equipment shall be approved by the Stewards. ~~not be acceptable unless a spinner or target is used therewith.~~
- b) The State Steward ~~state steward~~ and association Steward ~~presiding judge~~ shall review all photo finishes and confirm or correct the decision of the placing judges before a race is declared official.

(Source: Amended at 30 Ill. Reg. 10467, effective June 1, 2006)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Income Tax
 - 2) Code Citation: 86 Ill. Adm. Code 100
 - 3) Section Number: 100.3015 Adopted Action:
New Section
 - 4) Statutory Authority: 35 ILCS 5/1401(a) and 1501(a)(1)
 - 5) Effective Date of Amendment: May 23, 2006
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notices of Proposal Published in Illinois Register: January 6, 2006; 30 Ill. Reg. 95
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | <u>Section Number</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
|-----------------------|------------------------|-----------------------------------|
| 100.2580 | Amendment | 30 Ill. Reg. 6303; April 14, 2006 |
- 15) Summary and Purpose of Amendment: Public Act 92-846 amended IITA Section 1501(a)(1) to permit taxpayers to treat all income (other than employee compensation) as business income for purposes of allocating and apportioning its income to Illinois. This

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

rulemaking provides guidance for taxpayers on the manner of making the election and the consequences of doing so.

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

Paul Caselton
Deputy General Counsel – Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- [100.3015 Business Income Election \(IITA Section 1501\)](#)
- 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions

SUBPART O: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits for Resident Individuals
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
----------	---

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)

100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)

100.9320 Limitations on Notices of Deficiency (IITA Section 905)

100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)

100.9410 Limitations on Claims for Refund (IITA Section 911)

100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)

100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)

100.9510 Taxpayer Representation and Practice Requirements

100.9520 Conduct of Investigations and Hearings (IITA Section 914)

100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section

100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006.

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME**Section 100.3015 Business Income Election (IITA Section 1501)**

- a) *For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable. (IITA Section 1501(a)(1))*
- b) The election under this Section shall be made on the original return filed by the person making the election for the taxable year to which the election applies or on a corrected return filed prior to the due date (including extensions) for the return pursuant to Section 100.9400(f)(3) of this Part. An election made on an original return may also be revoked on a timely-filed corrected return. After the extended due date for filing the return has passed, the election may still be made on an original return, but an election that has been made on the original or corrected return may no longer be revoked.
- c) In the case of a partnership, estate, trust or Subchapter S corporation, for purposes of IITA Section 305, 307 or 308, respectively, an election made by the pass-through entity to treat all of its income as business income shall be binding on its partners, beneficiaries and shareholders. An election by a partner, beneficiary or shareholder to treat all income as business income shall cause all nonbusiness income received by that partner, beneficiary or shareholder from the pass-through entity to be treated as business income received directly by the partner, beneficiary or shareholder.
- d) In the case of a combined group of corporations filing a combined return under Subpart P of this Part, the election shall be made each year by the designated agent of the group and shall apply to all income of the unitary business group

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

[required to be shown on the combined return, including income of members who do not join in the filing of the combined return.](#)

(Source: Added at 30 Ill. Reg. 10473, effective May 23, 2006)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Uniform Penalty and Interest Act
- 2) Code Citation: 86 Ill. Adm. Code 700
- 3) Section Number: 700.500 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 5/911.3
- 5) Effective Date of Amendment: May 23, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 29 Ill. Reg. 20742; December 30, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: 86 Ill. Adm. Code 700.500(c) currently provides guidance on the order in which the Department will apply a payment that is insufficient to pay the entire liability for tax, penalty and interest for which the payment was made.

Various statutes allow or require the Department to apply overpayments of tax to other liabilities. Section 2505-275 of the Department of Revenue Law of the Civil

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Administrative Code of Illinois allows the Department to offset an overpayment of one tax against a liability for any other tax it administers and to enter into agreements with the Secretary of the Treasury of the United States to offset an overpayment of Illinois tax against a federal tax liability. IITA Section 911.2 allows the Department to pay income tax overpayments to other states to satisfy taxes owed by the taxpayer to those states. Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois provides for applying tax overpayments against delinquent child support obligations of the taxpayer. Section 2505-655 of the Department of Revenue Law of the Civil Administrative Code of Illinois provides for applying tax overpayments against past due court fees. Section 10 of the Illinois State Collection Act of 1986 provides for applying tax overpayments against other liabilities owed to the State.

IITA Section 911.3 states the order in which an income tax overpayment must be applied among these various liabilities if the overpayment is insufficient to pay all of them. This rulemaking expands the payment application ordering rule in 86 Ill. Adm. Code 700.500 to apply the ordering rule in IITA Section 911.3 to all taxes administered by the Department because no other ordering rule is mandated by any law and using the same ordering rule for all taxes avoids confusion for the Department and for taxpayers.

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

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/ 782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 700
UNIFORM PENALTY AND INTEREST ACT

SUBPART A: SCOPE AND APPLICATION OF THE ACT

Section

- 700.100 Scope of the Act and this Part
- 700.110 Application of the Provisions of the Act and this Part

SUBPART B: INTEREST

- 700.200 Interest Paid and Interest Charged
- 700.210 Interest Rate Calculation
- 700.220 Interest Charged Taxpayers
- 700.230 Interest Paid Taxpayers on Overpayments

SUBPART C: PENALTIES

- 700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax
- 700.310 Penalty for Failure to File Correct Information Returns
- 700.320 Penalty for Negligence
- 700.330 Penalty for Fraud
- 700.340 Personal Liability Penalty
- 700.350 Bad Check Penalty

SUBPART D: REASONABLE CAUSE

- 700.400 Reasonable Cause

SUBPART E: PAYMENT APPLICATION

- 700.500 Payment Application

AUTHORITY: Implementing the Uniform Penalty and Interest Act [35 ILCS 735], and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 18 Ill. Reg. 1561, effective January 13, 1994; amended at 19 Ill. Reg. 1909, effective February 6, 1995; amended at 20 Ill. Reg. 14632, effective October 29, 1996; amended at 25 Ill. Reg. 5038, effective March 19, 2001; amended at 27 Ill. Reg. 9622, effective June 13, 2003; amended at 30 Ill. Reg. 10486, effective May 23, 2006.

SUBPART E: PAYMENT APPLICATION

Section 700.500 Payment Application

- a) *Payments received from a taxpayer shall be applied against the outstanding liability of the taxpayer, or to an agreed portion of the outstanding portion of the outstanding liability, in the following order: the principal amount of the tax, then penalty, and then interest. (Section 3-9 of the Act)*
- b) A taxpayer may direct payment to a particular liability at the time payment is made to the Department. If a taxpayer has multiple liabilities to the Department, either based upon multiple taxes or multiple reporting periods, the taxpayer should identify the liability to which payment is to be directed.
- c) In the absence of direction from the taxpayer as to which of a taxpayer's outstanding liabilities payment is to be made, the Department will direct payments made by taxpayers to the oldest outstanding liability first, with payment directed first to the principal amount of the liability and any excess then directed to penalty and then to interest. If there remain funds after application of the payment to the oldest outstanding liability in the manner noted above, the remainder will be directed to the next oldest liability in the same manner.
- d) [Section 2505-275 of the Department of Revenue Law of the Civil Administrative Code of Illinois provides that, in the case of overpayment of any tax liability arising from an Act administered by the Department, the Department may credit the amount of the overpayment and any interest thereon against any final tax liability arising under that or any other Act administered by the Department. The Department may enter into agreements with the Secretary of the Treasury of the United States \(or his or her delegate\) to offset all or part of an overpayment of such a tax liability against any liability arising from a tax imposed under Title 26 of the United States Code. Section 2505-650 of the Department of Revenue Law provides that, upon certification of past due child support amounts from the Department of Healthcare and Family Services, the Department of Revenue may collect the delinquency in any manner authorized for the collection of any tax administered by the Department of Revenue. Section 2505-655 of the Department](#)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

of Revenue Law provides that, upon certification by the Clerk of the Circuit Court of the amounts of delinquent court fees, the Department of Revenue may collect the past due fees by intercepting the tax refund of any person owing the fees. Section 10 of the Illinois State Collection Act of 1986 [30 ILCS 210/10] provides that the Department's Debt Collection Bureau shall serve as the primary debt collecting entity for the State and in that role shall collect debts on behalf of agencies of the State, using all legal authority available to the Department to collect debt referred to it by other agencies of this State. Section 911.2 of the Illinois Income Tax Act (IITA) [35 ILCS 5] provides that a tax officer of another state of the United States may request that the Department withhold payment of a refund claimed by a taxpayer under the IITA for application against a delinquent income tax liability owed by the taxpayer to that state. IITA Section 911.3 provides rules for determining in which order an overpayment will be applied when more than one of these provisions is applicable. Pursuant to these provisions:

- 1) In the case of an overpayment for which the taxpayer has requested a refund or credit, the Department may credit the overpayment against any final tax liability arising under any Act administered by the Department. The Department will apply any overpayment first to the oldest outstanding final liability arising under the same Act as the overpayment, with payment directed first to the principal amount of the liability and any excess then directed to penalty and then to interest, and shall apply any remaining amount of the overpayment to the next oldest final liability arising under the same Act as the overpayment in the same manner until all such liabilities are paid or the entire amount of the overpayment has been used.
- 2) Any amount of overpayment remaining after application of subsection (d)(1) shall then be applied first to the oldest unpaid final tax liability arising under any other Act, first to the liability, then to penalty, and then to interest, and then to the next oldest unpaid final tax liability in the same manner, until all such liabilities are paid or the entire amount of the overpayment has been used. For purposes of this subsection (d)(2), the determination of which liability is oldest shall be based upon the date on which payment of the liability was due without regard to due dates for accelerated or estimated payments.
- 3) Any amount of overpayment remaining after application of subsections (d)(1) and (2) shall be applied in the following order:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- A) against any existing, applicable request to withhold a refund to collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law;
- B) against any existing, applicable request to withhold a refund to collect any debt owed to the State;
- C) against any existing, applicable request made by the Secretary of the Treasury of the United States, or his or her delegate, to withhold a refund to collect any tax liability arising from Title 26 of the United States Code;
- D) against any existing, applicable refund withholding request made pursuant to IITA Section 911.2; and
- E) against any existing, applicable request to withhold a refund to collect certified past due fees owed to the Clerk of the Circuit Court as authorized under Section 2505-655 of the Department of Revenue Law.

(Source: Amended at 30 Ill. Reg. 10486, effective May 23, 2006)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Library Construction Grants
- 2) Code Citation: 23 Ill. Adm. Code 3060
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
3060.100	Amendment
3060.400	Amendment
3060.500	Amendment
3060.600	Amendment
3060.800	Amendment
- 4) Statutory Authority: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8]
- 5) Effective Date of Amendments: May 25, 2006
- 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 and available at the Illinois State Library, Gwendolyn Brooks Building, 300 South Second Street, Springfield IL 62701-1796.
- 9) Notice of Proposal Published in the Illinois Register: February 17, 2006; 30 Ill. Reg. 2093
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter from JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: The installation of security systems to protect public library property, staff and patrons will allowed with public

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

library construction grant funds (Section 23 Ill. Adm. Code 3060 (b) and (c) and Section 23 Ill. Adm. Code 3060.400). The definition of "public libraries with limited funds" has changed to libraries receiving income of less than \$12 per capita. Because of the ongoing the budget situation, the priority for public library grant funds for FY 2007 will be remodeling for accessibility and mini-grants (Section 23 Ill. Adm. 3060.500)(c), (Section 23 Ill. Adm. 3060.600(c)). The maximum amounts for other projects shall not exceed \$125,000. All change orders shall be subject to the Illinois Public Works Contract Change Order Act, as amended [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change order (23 Ill. Adm. Code 3060.800(b)(2)(H)).

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

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
300 S. 2nd St.
Springfield, IL 62701-1796

217-558-4185
jnatale@ilsos.net

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATEPART 3060
PUBLIC LIBRARY CONSTRUCTION GRANTS

SUBPART A: INTRODUCTION

Section	
3060.100	Program Purpose
3060.200	Duty to Administer
3060.400	Definitions

SUBPART B: GRANT APPLICATION

Section	
3060.500	Priorities in Library Grant Construction Proposals
3060.600	Grant Funding Limitations
3060.700	The Chicago Public Library Branches
3060.800	Grant Application Procedure
3060.900	Requirements and Conditions of Grant Funds
3060.1000	Remodeling for Accessibility
3060.1050	Shared Use Facilities
3060.1100	Disbursement of Grant Funds of \$50,000 or more
3060.1110	Disbursement of Grant Funds of \$50,000 or less

SUBPART C: APPEAL PROCEDURE

Section	
3060.2000	Appeal Procedure

3060.APPENDIX A EDA Qualified Areas (Repealed)

AUTHORITY: Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/3 and 8].

SOURCE: Emergency rules adopted and codified at 7 Ill. Reg. 2017, effective January 28, 1983, for a maximum of 150 days; emergency expired June 27, 1983; adopted at 8 Ill. Reg. 2510,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

effective February 10, 1984; Part repealed, new Part adopted by emergency action at 9 Ill. Reg. 4560, effective March 20, 1985, for a maximum of 150 days; emergency expired August 17, 1985; Part repealed, new Part adopted at 9 Ill. Reg. 15004, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 17885, effective November 4, 1985, for a maximum of 150 days; emergency expired April 3, 1986; amended at 10 Ill. Reg. 20002, effective November 19, 1986; amended at 12 Ill. Reg. 11264, effective July 1, 1988; emergency amendment at 17 Ill. Reg. 18687, effective October 12, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 4996, effective March 14, 1994; amended at 19 Ill. Reg. 12493, effective August 22, 1995; amended at 20 Ill. Reg. 13078, effective September 20, 1996; emergency amendment at 20 Ill. Reg. 15081, effective November 7, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4981, effective April 3, 1997; amended at 23 Ill. Reg. 12717, effective October 4, 1999; amended at 25 Ill. Reg. 8352, effective July 1, 2001; amended at 26 Ill. Reg. 12014, effective August 1, 2002; amended at 27 Ill. Reg. 17089, effective November 1, 2003; amended at 28 Ill. Reg. 15607, effective December 1, 2004; amended at 29 Ill. Reg. 13885, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 9917, effective May 15, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10492, effective May 25, 2006.

SUBPART A: INTRODUCTION

Section 3060.100 Program Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money except as provided in subsection (c) will be matched by State grants based on the category of grant as follows:

- a) Remodeling for Accessibility. Special projects where 70% – 100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3060.1000. The State's share shall be 50% of the project's total cost.
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost. For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program as stipulated in Section 3060.1050 of this Part.
- c) Mini-grants. These projects include (but are not limited to) new carpeting, new

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

furnishings, remodeling, energy conservation, security systems and technology wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to the handicapped. There is no local match required for mini-grants.

(Source: Amended at 30 Ill. Reg. 10492, effective May 25, 2006)

Section 3060.400 Definitions

For the purposes of this Part:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3060.100 of this Part.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings which are being expanded, remodeled, or altered, under this grant.

Any combination of such activities (including architect's fees and the cost of the site if acquired in the last 2 years).

"Conversion" means converting a building currently not used as a library into a public library facility.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes, for example, fixtures, furnishings, shelving, and carpeting. "Equipment" does not include, for example, books, periodicals, films, or recordings.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library within an Illinois Library System. "Library" also means a branch library of a main library facility.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this Part, and any funds from the State of Illinois, or from the federal government or from collateralized pledges.

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries which would have

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

received an income of less than ~~\$12~~~~\$10~~ per capita in the preceding fiscal year by using a formula whereby the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library with a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

(Source: Amended at 30 Ill. Reg. 10492, effective May 25, 2006)

SUBPART B: GRANT APPLICATION

Section 3060.500 Priorities in Library Grant Construction Proposals

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
 - 1) Remodeling for accessibility with conditions as stated in subsection (c) of this Section.
 - 2) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
 - 3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b) The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project, unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- c) In the event that funds are not sufficient to meet the priorities of this Part, the State Librarian may determine the priorities upon the funding available. Due to insufficient funding for this program, for fiscal year ~~2007~~2006, grant priority shall be given to remodeling for accessibility and mini-grants (as indicated in Section 3060.100(a) and (c) of this Part), except as otherwise provided by Section 3060.600~~(c)~~ and (e).

(Source: Amended at 30 Ill. Reg. 10492, effective May 25, 2006)

Section 3060.600 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$250,000 per annual funding cycle unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (d).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed ~~\$250,000~~\$125,000.
- d) Library buildings that received any State or federal construction funding, whether under a library construction grant program or a specific appropriation, during the three prior state fiscal years, including the current State fiscal year are not eligible for any construct grant funding under this Part.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.

- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed no later than June 30 of the fiscal year in the year that the grant was issued.

(Source: Amended at 30 Ill. Reg. 10492, effective May 25, 2006)

Section 3060.800 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit the completed library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants:
 - 1) Application phase:
 - A) To be eligible for a Live & Learn construction grant, a public library must comply with the assurances contained in this Section as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, "Serving Our Public: Standards for Illinois Public Libraries, 1997" (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. This subsection (b)(1)(C) shall not apply to library systems.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) A library building program. For projects with a total cost of over \$150,000, a library building consultant must work with the library in developing the building program. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- F) Preliminary construction plans with a site plan of the proposed building.
- G) An estimated cost per square foot (for all projects).
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) The following conditions apply in new construction, additions and projects involving evacuation of soil:
 - i) A letter from the Illinois State Water Survey of the Illinois Department of Natural Resources stating that the project site is not located in a Special Flood Hazard Area. If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources, stating that the project meets the requirements of Executive Order 79-4 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- J) The real estate affected by the proposed construction is available to the library or library system, and the legal description of the affected real estate. A deed of ownership or proof of long-term (20 years minimum) occupancy, except for mini-grants. The building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the director of the Illinois State Library.
 - K) A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.
 - L) A listing of all applicable authorities having jurisdiction over the applying facility.
 - M) The library will submit with the grant application the Americans with Disabilities Act Self-Evaluation form prepared by the Illinois State Library, except for new construction projects.
 - N) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that various fundraising activities will be undertaken in the future, where the amount to be raised in pledges remains uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3060.100.
- 2) Construction phase:
- A) The grantee library will expend 90% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. The final 10% of grant funds will be reimbursed upon receipt and review by the Illinois State Library of the close-out report, including the final audit, if applicable. Upon failure of the grantee to submit a close-out report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the director of the Illinois State Library.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B) Construction work will be performed by the lump sum (fixed price) contract method.
- C) The library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in the State designated newspaper and newspaper of general circulation in the area, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- F) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) A copy of the building permit shall be supplied to the Illinois State Library prior to the actual construction and the permit shall be posted in a prominent place on the construction site.
- H) Any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. ~~any~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

~~change order of \$10,000 or more will be submitted to the Illinois State Library for approval prior to being effected.~~ The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

- I) All contractors and subcontractors shall comply with the provisions of the Copeland Anti-Kick Back Act (40 USC 276c) supplemented in U.S. Department of Labor regulations (29 CFR 3 (1985)). The material incorporated by reference includes no later amendments or editions.
- J) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all Federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, and physical or mental handicap.
- K) Construction contracts signed by both the library board (or library system board) and contractors will be prepared on standard American Institute of Architecture (AIA) forms that are submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any such contracts between the library board or library system board and contractors if:
 - i) The bidding procedure outlined in subsection (c)(14) was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.
- L) A revised budget will be prepared after bids have been accepted and will be submitted to the Illinois State Library for approval prior to actual construction. Such approval will be based on the reduction in the contingency line item from 5% in the original

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the director of the Illinois State Library.

- M) A sign will be displayed on the construction site stating that State funds administered by the Secretary of State and State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the Secretary of State and State Librarian were used for the building's construction.
- N) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board [20 ILCS 3105/14].
- O) Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to and the right to examine any records, books, papers, or documents of the grantee involving transactions related to the grant.
- P) Construction will commence within 140 days after the effective date of the grant contract according to Section 3060.600(f) of this Part.
- Q) The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
 - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit report that shall be completed by an independent certified public accountant in accordance with the "Government Auditing Standards: 1994 Revision", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. No later amendments to these standards are incorporated in this Section. The project audit report shall include financial statements and compliance statements (which indicate that grant monies have been obligated in compliance with applicable laws and regulations of the State of Illinois and this Part).
 - iv) The project architect or engineer shall certify to the Illinois State Library when the project reaches the 30%, 60%, 90% and 100% state of completion.
- R) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable Federal, State and local requirements.
- S) The library will establish a separate account for construction grant funds.
- T) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

project.

- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3060.100(c) of this Part, upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) All applications will be considered in accordance with Section 3060.200(c) of this Part.

(Source: Amended at 30 Ill. Reg. 10492, effective May 25, 2006)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.410	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.410 and 310.Appendix Table W to reflect a Memorandum of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed May 3, 2006. The Memorandum of Understanding is effective upon approval of the State Mine Inspector class by the Civil Service Commission. On May 18, 2006, the Civil Service Commission approved the establishment of the State Mine Inspector class, the abolishment of the Mine Rescue Station Supervisor class, and the revision of the Public Service Administrator class effective June 1, 2006. The Memorandum of Understanding includes the State Mine Inspector title in the bargaining unit RC-062 and assigns the pay grade RC-062-19.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date of Rulemaking: June 1, 2006
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.410 Jurisdiction is amended to remove the Mine Rescue Station Supervisor title from the Merit Compensation System.

Section 310.Appendix A Table W RC-062 (Technical Employees, AFSCME) is amended to add to the title table the State Mine Inspector title, its title code 42230, its bargaining unit RC-062, and its pay grade 19.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: May 30, 2006
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.100	Amendment	30 Ill. Reg. 6024; 4/7/06
310.280	Amendment	30 Ill. Reg. 6024; 4/7/06
310.470	Amendment	30 Ill. Reg. 6024; 4/7/06
310.490	Amendment	30 Ill. Reg. 6024; 4/7/06
310.495	Amendment	30 Ill. Reg. 6024; 4/7/06
310.30	Amendment	30 Ill. Reg. 6444; 4/21/06
310.45	New Section	30 Ill. Reg. 6444; 4/21/06
310.50	Amendment	30 Ill. Reg. 6444; 4/21/06
310.80	Amendment	30 Ill. Reg. 6444; 4/21/06
310.100	Amendment	30 Ill. Reg. 6444; 4/21/06
310.110	Amendment	30 Ill. Reg. 6444; 4/21/06
310.130	Amendment	30 Ill. Reg. 6444; 4/21/06
310.220	Amendment	30 Ill. Reg. 6444; 4/21/06
310.280	Amendment	30 Ill. Reg. 6444; 4/21/06
310.290	Amendment	30 Ill. Reg. 6444; 4/21/06
310.530	Amendment	30 Ill. Reg. 6444; 4/21/06
310.540	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table D	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table E	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table F	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table G	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table H	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table I	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table J	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table K	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table L	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table M	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table N	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table O	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table P	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table Q	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table R	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table T	Amendment	30 Ill. Reg. 6444; 4/21/06

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.Appendix A Table U	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table V	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table W	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table X	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table Y	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table Z	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix A Table AA	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix B	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix C	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix D	Amendment	30 Ill. Reg. 6444; 4/21/06
310.Appendix G	Amendment	30 Ill. Reg. 6444; 4/21/06

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett
Acting Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

(217) 782-7964
Fax: (217) 524-4570

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 2006
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 310.TABLE D HR-001 (Teamsters Local #726)
 310.TABLE E RC-020 (Teamsters Local #330)
 310.TABLE F RC-019 (Teamsters Local #25)
 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006.

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assignment Coordinator	01530	MC-07
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Economic Development Representative I	12931	MC-05
Economic Development Representative II	12932	MC-07
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Industrial and Community Development Representative I	21051	MC-05
Industrial and Community Development Representative II	21052	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Meat and Poultry Inspector Supervisor	26073	MC-05
Mental Health Administrator I	26811	MC-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Mine Rescue Station Supervisor	28155	MC-01
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Property Tax Analyst III	34923	MC-05
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Quality Control Supervisor	35900	MC-07
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Public Information Coordinator	36750	MC-06
Radiologic Technologist Chief	37505	MC-03
Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Retirement System Disability Specialist	38310	MC-06
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option 1	07241	RC-062	12
Children and Family Service Intern – Option 2	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Academy Trainer	09732	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	20
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Rights Investigator I	19774	RC-062	15
Human Rights Investigator II	19775	RC-062	17
Human Rights Investigator III	19776	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Property Tax Analyst I	34921	RC-062	12
Property Tax Analyst II	34922	RC-062	14
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II	38572	RC-062	14
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12

For the Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g. IL, CA, NJ or a state other than IL, CA, or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2005
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2248	2303	2359	2417	2493	2573	2652	2737	2818	2951	3039
09	Q	2321	2377	2436	2497	2574	2658	2740	2829	2914	3053	3145
09	S	2374	2432	2490	2550	2628	2712	2796	2886	2971	3111	3204
10	B	2319	2377	2436	2496	2587	2664	2752	2839	2927	3076	3169
10	Q	2394	2453	2514	2578	2671	2753	2845	2936	3027	3188	3282
10	S	2447	2507	2568	2631	2725	2809	2901	2991	3087	3248	3346

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	B	2403	2462	2525	2588	2676	2763	2862	2957	3049	3210	3307
11	Q	2481	2543	2606	2672	2767	2858	2960	3059	3157	3326	3426
11	S	2536	2597	2660	2726	2823	2913	3016	3117	3217	3386	3488
12	B	2497	2559	2623	2691	2790	2883	2990	3088	3202	3374	3475
12	Q	2579	2643	2710	2782	2885	2980	3096	3200	3318	3498	3603
12	S	2633	2697	2765	2837	2941	3038	3155	3261	3379	3560	3667
12H	B	15.37	15.75	16.14	16.56	17.17	17.74	18.40	19.00	19.70	20.76	21.38
12H	Q	15.87	16.26	16.68	17.12	17.75	18.34	19.05	19.69	20.42	21.53	22.17
12H	S	16.20	16.60	17.02	17.46	18.10	18.70	19.42	20.07	20.79	21.91	22.57
13	B	2588	2653	2721	2793	2896	3006	3119	3233	3353	3540	3647
13	Q	2672	2742	2813	2888	2995	3112	3233	3351	3475	3673	3783
13	S	2726	2797	2869	2944	3052	3171	3294	3412	3538	3736	3848
14	B	2693	2763	2838	2913	3024	3142	3279	3399	3528	3733	3845
14	Q	2784	2858	2935	3013	3131	3257	3399	3526	3661	3874	3990
14	S	2839	2913	2990	3071	3192	3317	3460	3587	3723	3935	4053
14H	B	16.57	17.00	17.46	17.93	18.61	19.34	20.18	20.92	21.71	22.97	23.66
14H	Q	17.13	17.59	18.06	18.54	19.27	20.04	20.92	21.70	22.53	23.84	24.55
14H	S	17.47	17.93	18.40	18.90	19.64	20.41	21.29	22.07	22.91	24.22	24.94
15	B	2797	2871	2949	3028	3161	3292	3421	3561	3693	3915	4033
15	Q	2893	2970	3051	3135	3275	3412	3549	3696	3832	4062	4183
15	S	2948	3025	3109	3196	3336	3471	3613	3758	3893	4124	4247
16	B	2921	3000	3082	3170	3313	3458	3603	3753	3903	4133	4257
16	Q	3021	3105	3194	3286	3433	3588	3739	3892	4049	4289	4418
16	S	3080	3165	3254	3347	3496	3652	3803	3956	4113	4350	4482
17	B	3051	3137	3227	3321	3475	3635	3789	3942	4102	4347	4477
17	Q	3160	3251	3346	3441	3606	3772	3930	4090	4256	4510	4646
17	S	3219	3312	3406	3504	3669	3836	3994	4153	4318	4574	4711
18	B	3207	3299	3394	3495	3664	3835	4009	4173	4340	4599	4738

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

18	Q	3323	3419	3520	3626	3805	3979	4161	4332	4503	4772	4915
18	S	3383	3479	3584	3687	3866	4042	4223	4393	4568	4834	4979
19	B	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19	J	3375	3473	3576	3684	3872	4055	4244	4421	4606	4885	5032
19	Q	3499	3603	3711	3822	4017	4204	4404	4587	4780	5068	5220
19	S	3561	3667	3775	3885	4081	4269	4466	4651	4843	5131	5285
20	B	3564	3672	3781	3893	4090	4280	4483	4678	4871	5167	5322
20	Q	3699	3809	3922	4039	4243	4442	4652	4852	5054	5363	5524
20	S	3760	3872	3985	4102	4305	4503	4714	4915	5116	5423	5587
21	B	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21	U	3762	3876	3992	4110	4321	4530	4742	4958	5164	5486	5651
21	Q	3904	4022	4140	4264	4485	4699	4920	5144	5359	5693	5864
21	S	3967	4084	4202	4329	4546	4762	4984	5207	5420	5755	5928
22	B	3976	4096	4220	4346	4572	4795	5022	5254	5473	5813	5987
22	Q	4126	4251	4378	4508	4743	4977	5210	5451	5679	6031	6213
22	S	4189	4312	4441	4573	4804	5039	5270	5513	5744	6095	6277
23	B	4220	4346	4476	4609	4853	5102	5345	5591	5834	6200	6386
23	Q	4378	4508	4643	4785	5037	5295	5544	5800	6053	6432	6625
23	S	4441	4573	4707	4846	5099	5357	5607	5863	6115	6494	6690
24	B	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24	J	4489	4624	4762	4905	5166	5437	5698	5961	6230	6620	6819
24	Q	4657	4797	4942	5092	5362	5640	5912	6184	6464	6870	7077
24	S	4721	4860	5004	5154	5422	5702	5974	6248	6527	6932	7139
25	B	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25	J	4785	4929	5077	5229	5515	5806	6095	6385	6675	7104	7317
25	Q	4964	5113	5266	5423	5722	6022	6324	6626	6926	7370	7591
25	S	5029	5175	5331	5487	5785	6084	6386	6687	6987	7433	7656
26	B	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809
26	U	5057	5209	5366	5581	5885	6197	6512	6815	7121	7582	7809

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

27	B	5346	5506	5672	5956	6280	6612	6948	7272	7598	8090	8332
27	U	5346	5506	5672	5956	6280	6612	6948	7272	7598	8090	8332

Effective January 1, 2006
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
09	B	2315	2372	2430	2490	2568	2650	2732	2819	2903	3040	3130
09	Q	2408	2466	2527	2591	2671	2758	2843	2935	3023	3167	3263
09	S	2463	2523	2583	2646	2727	2814	2901	2994	3082	3228	3324
10	B	2389	2448	2509	2571	2665	2744	2835	2924	3015	3168	3264
10	Q	2484	2545	2608	2675	2771	2856	2952	3046	3141	3308	3405
10	S	2539	2601	2664	2730	2827	2914	3010	3103	3203	3370	3471
11	B	2475	2536	2601	2666	2756	2846	2948	3046	3140	3306	3406
11	Q	2574	2638	2704	2772	2871	2965	3071	3174	3275	3451	3554
11	S	2631	2694	2760	2828	2929	3022	3129	3234	3338	3513	3619
12	B	2572	2636	2702	2772	2874	2969	3080	3181	3298	3475	3579
12	Q	2676	2742	2812	2886	2993	3092	3212	3320	3442	3629	3738
12	S	2732	2798	2869	2943	3051	3152	3273	3383	3506	3694	3805
12H	B	15.83	16.22	16.63	17.06	17.69	18.27	18.95	19.58	20.30	21.38	22.02
12H	Q	16.47	16.87	17.30	17.76	18.42	19.03	19.77	20.43	21.18	22.33	23.00
12H	S	16.81	17.22	17.66	18.11	18.78	19.40	20.14	20.82	21.58	22.73	23.42
13	B	2666	2733	2803	2877	2983	3096	3213	3330	3454	3646	3756
13	Q	2772	2845	2918	2996	3107	3229	3354	3477	3605	3811	3925
13	S	2828	2902	2977	3054	3166	3290	3418	3540	3671	3876	3992
14	B	2774	2846	2923	3000	3115	3236	3377	3501	3634	3845	3960
14	Q	2888	2965	3045	3126	3248	3379	3526	3658	3798	4019	4140
14	S	2945	3022	3102	3186	3312	3441	3590	3722	3863	4083	4205

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14H	B	17.07	17.51	17.99	18.46	19.17	19.91	20.78	21.54	22.36	23.66	24.37
14H	Q	17.77	18.25	18.74	19.24	19.99	20.79	21.70	22.51	23.37	24.73	25.48
14H	S	18.12	18.60	19.09	19.61	20.38	21.18	22.09	22.90	23.77	25.13	25.88
15	B	2881	2957	3037	3119	3256	3391	3524	3668	3804	4032	4154
15	Q	3001	3081	3165	3253	3398	3540	3682	3835	3976	4214	4340
15	S	3059	3138	3226	3316	3461	3601	3748	3899	4039	4279	4406
16	B	3009	3090	3174	3265	3412	3562	3711	3866	4020	4257	4385
16	Q	3134	3221	3314	3409	3562	3723	3879	4038	4201	4450	4584
16	S	3196	3284	3376	3473	3627	3789	3946	4104	4267	4513	4650
17	B	3143	3231	3324	3421	3579	3744	3903	4060	4225	4477	4611
17	Q	3279	3373	3471	3570	3741	3913	4077	4243	4416	4679	4820
17	S	3340	3436	3534	3635	3807	3980	4144	4309	4480	4746	4888
18	B	3303	3398	3496	3600	3774	3950	4129	4298	4470	4737	4880
18	Q	3448	3547	3652	3762	3948	4128	4317	4494	4672	4951	5099
18	S	3510	3609	3718	3825	4011	4194	4381	4558	4739	5015	5166
19	B	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19	J	3476	3577	3683	3795	3988	4177	4371	4554	4744	5032	5183
19	Q	3630	3738	3850	3965	4168	4362	4569	4759	4959	5258	5416
19	S	3695	3805	3917	4031	4234	4429	4633	4825	5025	5323	5483
20	B	3671	3782	3894	4010	4213	4408	4617	4818	5017	5322	5482
20	Q	3838	3952	4069	4190	4402	4609	4826	5034	5244	5564	5731
20	S	3901	4017	4134	4256	4466	4672	4891	5099	5308	5626	5797
21	B	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21	U	3875	3992	4112	4233	4451	4666	4884	5107	5319	5651	5821
21	Q	4050	4173	4295	4424	4653	4875	5105	5337	5560	5906	6084
21	S	4116	4237	4360	4491	4716	4941	5171	5402	5623	5971	6150
22	B	4095	4219	4347	4476	4709	4939	5173	5412	5637	5987	6167
22	Q	4281	4410	4542	4677	4921	5164	5405	5655	5892	6257	6446
22	S	4346	4474	4608	4744	4984	5228	5468	5720	5959	6324	6512

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23	B	4347	4476	4610	4747	4999	5255	5505	5759	6009	6386	6578
23	Q	4542	4677	4817	4964	5226	5494	5752	6018	6280	6673	6873
23	S	4608	4744	4884	5028	5290	5558	5817	6083	6344	6738	6941
24	B	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24	J	4624	4763	4905	5052	5321	5600	5869	6140	6417	6819	7024
24	Q	4832	4977	5127	5283	5563	5852	6134	6416	6706	7128	7342
24	S	4898	5042	5192	5347	5625	5916	6198	6482	6772	7192	7407
25	B	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25	J	4929	5077	5229	5386	5680	5980	6278	6577	6875	7317	7537
25	Q	5150	5305	5463	5626	5937	6248	6561	6874	7186	7646	7876
25	S	5218	5369	5531	5693	6002	6312	6625	6938	7249	7712	7943
26	B	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
26	U	5209	5365	5527	5748	6062	6383	6707	7019	7335	7809	8043
27	B	5506	5671	5842	6135	6468	6810	7156	7490	7826	8333	8582
27	U	5506	5671	5842	6135	6468	6810	7156	7490	7826	8333	8582

(Source: Peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JULY 2006 REGULATORY AGENDA

- a) Part Heading and Code Citation: Notice Procedures under the Federally Assisted Housing Preservation Act, 47 Ill. Adm. Code 375

1) Rulemaking:

- A) Description: Amend various sections to conform with the Federally Assisted Housing Preservation Act.
- B) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Federally Assisted Housing Preservation Act [310 ILCS 60].
- C) Scheduled meeting/hearing dates: October 2006
- D) Date agency anticipates First Notice: October 2006
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Richard B. Muller
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 900
Chicago, IL 60611

312-836-5327
- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 13, 2006

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

Agriculture

1. Illinois Pesticide Act (8 Ill. Adm. Code 250)
 - First Notice Published: 29 Ill. Reg. 18175 – 11/14/05
 - Expiration of Second Notice: 6/16/06

Carnival Amusement Safety Board

2. Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)
 - First Notice Published: 29 Ill. Reg. 20119 – 12/16/05
 - Expiration of Second Notice: 6/21/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

Central Management Services

3. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 15678 – 10/21/05
 - Expiration of Second Notice: 6/24/06
4. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 30 Ill. Reg. 4203 – 3/17/06
 - Expiration of Second Notice: 7/1/06
5. Acquisition, Management and Disposal of Real Property (44 Ill. Adm. Code 5000)
 - First Notice Published: 29 Ill. Reg. 18977 – 11/28/05
 - Expiration of Second Notice: 6/24/06
6. State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120)
 - First Notice Published: 30 Ill. Reg. 5741 – 3/31/06
 - Expiration of Second Notice: 7/2/06
7. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 30 Ill. Reg. 6024 – 4/7/06
 - Expiration of Second Notice: 7/8/06

Children and Family Services

8. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
 - First Notice Published: 29 Ill. Reg. 18180 – 11/14/05
 - Expiration of Second Notice: 6/15/06
9. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
 - First Notice Published: 29 Ill. Reg. 18207 – 11/14/05
 - Expiration of Second Notice: 6/15/06
10. Licensing Standards for Youth in Transitional Housing Programs (89 Ill. Adm. Code 409)
 - First Notice Published: 29 Ill. Reg. 19322 – 12/2/05
 - Expiration of Second Notice: 6/15/06
11. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
 - First Notice Published: 30 Ill. Reg. 13065 – 8/26/05
 - Expiration of Second Notice: 6/21/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

Financial and Professional Regulation

12. Consumer Installment Loan Act (38 Ill. Adm. Code 110)
 - First Notice Published: 30 Ill. Reg. 1173 – 1/27/06
 - Expiration of Second Notice: 6/21/06
13. Massage Licensing Act (68 Ill. Adm. Code 1284)
 - Notice Published: 30 Ill. Reg. 4532 – 3/17/06
 - Expiration of Second Notice: 7/6/06

Labor

14. Day and Temporary Labor Services Act (56 Ill. Adm. Code 260)
 - First Notice Published: 29 Ill. Reg. 20597 – 12/23/05
 - Expiration of Second Notice: 6/24/06

Natural Resources

15. General Hunting and Trapping on Department-Owned or –Managed Sites (17 Ill. Adm. Code 510)
 - First Notice Published: 30 Ill. Reg. 5803 – 3/31/06
 - Expiration of Second Notice: 7/1/06
16. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
 - First Notice Published: 30 Ill. Reg. 5810 – 3/31/06
 - Expiration of Second Notice: 7/1/06
17. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
 - First Notice Published: 30 Ill. Reg. 5820 – 3/31/06
 - Expiration of Second Notice: 7/1/06
18. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
 - First Notice Published: 30 Ill. Reg. 5832 – 3/31/06
 - Expiration of Second Notice: 7/8/06
19. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
 - First Notice Published: 30 Ill. Reg. 5858 – 3/31/06
 - Expiration of Second Notice: 7/1/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

20. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)
 - First Notice Published: 30 Ill. Reg. 5873 – 3/31/06
 - Expiration of Second Notice: 7/8/06
21. Youth Hunting Seasons (17 Ill. Adm. Code 685)
 - First Notice Published: 30 Ill. Reg. 5899 – 3/31/06
 - Expiration of Second Notice: 7/1/06
22. Squirrel Hunting (17 Ill. Adm. Code 690)
 - First Notice Published: 30 Ill. Reg. 5906 – 3/31/06
 - Expiration of Second Notice: 7/1/06
23. The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)
 - First Notice Published: 30 Ill. Reg. 5917 – 3/31/06
 - Expiration of Second Notice: 7/1/06
24. Dove Hunting (17 Ill. Adm. Code 730)
 - First Notice Published: 30 Ill. Reg. 5928 – 3/31/06
 - Expiration of Second Notice: 7/1/06
25. Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
 - First Notice Published: 30 Ill. Reg. 5944 – 3/31/06
 - Expiration of Second Notice: 7/1/06
26. Designation of Restricted Waters in the State of Illinois (17 Ill. Adm. Code 2030)
 - First Notice Published: 30 Ill. Reg. 5492 – 3/24/06
 - Expiration of Second Notice: 6/24/06

Property Tax Appeal Board

27. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
 - First Notice Published: 30 Ill. Reg. 5499 – 3/24/06
 - Expiration of Second Notice: 6/23/06

Public Health

28. Heartsaver AED Grant Code (77 Ill. Adm. Code 530)
 - First Notice Published: 30 Ill. Reg. 6294 – 4/14/06
 - Expiration of Second Notice: 7/23/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

29. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
-First Notice Published: 30 Ill. Reg. 2472 – 2/24/06
-Expiration of Second Notice: 7/2/06
30. Employee Blood Donation Leave Code (77 Ill. Adm. Code 985)
-First Notice Published: 30 Ill. Reg. 778 – 1/20/06
-Expiration of Second Notice: 7/2/06

Revenue

31. Payment of Taxes by Electronic Funds Transfer (86 Ill. Adm. Code 750)
-First Notice Published: 29 Ill. Reg. 19134 – 11/28/05
-Expiration of Second Notice: 6/23/06
32. Electronic Filing of Returns or Other Documents (86 Ill. Adm. Code 760)
-First Notice Published: 29 Ill. Reg. 19141 – 11/28/05
-Expiration of Second Notice: 6/23/06
33. Telefile File Program (86 Ill. Adm. Code 770)
-First Notice Published: 29 Ill. Reg. 19147 – 11/28/05
-Expiration of Second Notice: 6/22/06

Secretary of State

34. Departmental Duties (2 Ill. Adm. Code 552)
-First Notice Published: 30 Ill. Reg. 2501 – 2/24/06
-Expiration of Second Notice: 7/6/06
35. Business Corporation Act (14 Ill. Adm. Code 150)
-First Notice Published: 30 Ill. Reg. 2595 – 3/3/06
-Expiration of Second Notice: 6/23/06
36. General Not For Profit Corporations (14 Ill. Adm. Code 160)
-First Notice Published: 30 Ill. Reg. 2600 – 3/3/06
-Expiration of Second Notice: 6/23/06
37. Limited Liability Company Act (14 Ill. Adm. Code 178)
-First Notice Published: 30 Ill. Reg. 2603 – 3/3/06
-Expiration of Second Notice: 6/23/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

38. Uniform Commercial Code (14 Ill. Adm. Code 180)
-First Notice Published: 30 Ill. Reg. 2611 – 3/3/06
-Expiration of Second Notice: 6/23/06

State Employees' Retirement System

39. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)
-First Notice Published: 30 Ill. Reg. 5506 – 3/24/06
-Expiration of Second Notice: 7/8/06

Student Assistance Commission

40. General Provisions (23 Ill. Adm. Code 2700)
-First Notice Published: 30 Ill. Reg. 2119 – 2/17/06
-Expiration of Second Notice: 6/18/06
41. Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)
-First Notice Published: 30 Ill. Reg. 2142 – 2/17/06
-Expiration of Second Notice: 6/18/06
42. Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)
-First Notice Published: 30 Ill. Reg. 2151 – 2/17/06
-Expiration of Second Notice: 6/18/06
43. Grant Program for Dependents of Police or Fire Officers (23 Ill. Adm. Code 2732)
-First Notice Published: 30 Ill. Reg. 2158 – 2/17/06
-Expiration of Second Notice: 6/18/06
44. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)
-First Notice Published: 30 Ill. Reg. 2165 – 2/17/06
-Expiration of Second Notice: 6/18/06
45. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
-First Notice Published: 30 Ill. Reg. 2174 – 2/17/06
-Expiration of Second Notice: 6/18/06
46. SILAS Purnell Illinois Incentive for Access (IIA) Program (23 Ill. Adm. Code 2736)
-First Notice Published: 30 Ill. Reg. 2181 – 2/17/06
-Expiration of Second Notice: 6/18/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

47. Merit Recognition Scholarship (MRS) Program (23 Ill. Adm. Code 2761)
 - First Notice Published: 30 Ill. Reg. 2194 – 2/17/06
 - Expiration of Second Notice: 6/18/06
48. Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)
 - First Notice Published: 30 Ill. Reg. 2198 – 2/17/06
 - Expiration of Second Notice: 6/18/06
49. Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)
 - First Notice Published: 30 Ill. Reg. 2207 – 2/17/06
 - Expiration of Second Notice: 6/18/06
50. Child Welfare Student Loan Forgiveness Program (23 Ill. Adm. Code 2769)
 - First Notice Published: 30 Ill. Reg. 2234 – 2/17/06
 - Expiration of Second Notice: 6/18/06
51. Student to Student (STS) Program of Matching Grants (23 Ill. Adm. Code 2770)
 - First Notice Published: 30 Ill. Reg. 2243 – 2/17/06
 - Expiration of Second Notice: 6/18/06
52. Robert C. Byrd Honors Scholarship Program (23 Ill. Adm. Code 2755)
 - First Notice Published: 30 Ill. Reg. 2186 – 2/17/06
 - Expiration of Second Notice: 6/18/06
53. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)
 - First Notice Published: 30 Ill. Reg. 2217 – 2/17/06
 - Expiration of Second Notice: 6/18/06
54. Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768)
 - First Notice Published: 30 Ill. Ref. 2225 – 2/17/06
 - Expiration of Second Notice: 6/18/06

Teachers' Retirement System

55. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
 - First Notice Published: 30 Ill. Reg. 6003 – 3/31/06
 - Expiration of Second Notice: 6/29/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

Workers' Compensation Commission

56. Miscellaneous (50 Ill. Adm. Code 7110)
-First Notice Published: 30 Ill. Reg. 1828 – 2/10/06
-Expiration of Second Notice: 6/16/06

EMERGENCY RULEMAKINGS

Secretary of State

57. Public Library Construction Grants (23 Ill. Adm. Code 3060)
-Notice Published: 30 Ill. Reg. 9917 – 5/26/06
58. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-Notice Published: 30 Ill. Reg. 7974 – 4/28/06

AGENCY RESPONSES

Healthcare and Family Services

59. The Illinois Prescription Drug Discount Program (89 Ill. Adm. Code 126)

Human Services

60. Child Care (89 Ill. Adm. Code 50)

Racing Board

61. Discretionary Rules (11 Ill. Adm. Code 323)
62. Discretionary Rules (11 Ill. Adm. Code 323) (Repealer)

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 May 23, 2006 through May 30, 2006 and have been scheduled for review by the Committee at its June 13, 2006 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/6/06	<u>Department of Financial and Professional Regulation</u> , Massage Licensing Act (68 Ill. Adm. Code 1284)	3/17/06 30 Ill. Reg. 4532	6/13/06
7/6/06	<u>Secretary of State</u> , Departmental Duties (2 Ill. Adm. Code 552)	2/24/06 30 Ill. Reg. 2501	6/13/06
7/8/06	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	3/31/06 30 Ill. Reg. 5873	6/13/06
7/8/06	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	3/31/06 30 Ill. Reg. 5832	6/13/06
7/8/06	<u>State Employees' Retirement System</u> , The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	3/24/06 30 Ill. Reg. 5506	6/13/06
7/8/06	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	4/7/06 30 Ill. Reg. 6024	6/13/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/13/06	<u>Department of Public Health, Heartsaver AED</u> Grant Code (77 Ill. Adm. Code 530)	4/14/06 30 Ill. Reg. 6294	6/13/06
---------	--	---------------------------------	---------

PROCLAMATIONS

2006-200
MISSING CHILDREN'S DAY

- WHEREAS, there are 2,203 pending missing children under the age of 18 in the State of Illinois, which represents only a small percentage of the children that are estimated to be missing nationwide as reported through a national study conducted by the United States Department of Justice; and
- WHEREAS, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, those that are lost, injured, or otherwise missing, and the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by non-family members; and
- WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and
- WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the states of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the "Interstate Agreement on Missing and Exploited Children," and since then, the states of Ohio, Kansas, Michigan, Minnesota, North Dakota, South Dakota and Nebraska have also joined in the initiative. This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children in our communities; and
- WHEREAS, in 2002, the Illinois State Police implemented the America's Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger. To date, AMBER Alert has been instrumental in recovering 16 missing children; and
- WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly with your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2006 as **MISSING CHILDREN'S DAY** in Illinois, and encourage all citizens to observe this day by turning on porch lights and vehicle headlights to "LIGHT THE WAY HOME" for our missing children throughout the country.

PROCLAMATIONS

Issued by the Governor on May 23, 2006.

Filed by the Secretary of State May 24, 2006.

2006-201**OCTAVE CHANUTE AEROSPACE MUSEUM'S 99TH PURSUIT SQUADRON DAY**

WHEREAS, the Chanute Air Museum, a non-profit institution dedicated to the preservation of Chanute Field's legacy and the history of aviation, collects, preserves, exhibits and interprets aviation and aerospace artifacts. Special emphasis is directed to the life and accomplishments of Octave Chanute, Chanute Field/Chanute Air Force Base and its technical training programs, the history of Illinois aviation, and the community of Rantoul, Illinois; and

WHEREAS, the Chanute Air Museum is developing the 99th Pursuit Squadron Project, with an objective to preserve and interpret the story of the 99th Pursuit Squadron, the core of the first Tuskegee Airmen, from its beginnings at Chanute Field through its service in World War II Italy and beyond; and

WHEREAS, the 99th Pursuit Squadron was activated on March 19, 1941 at Chanute Field on the east central Illinois prairie. There, the core officers of the 99th began their technical training, and embarked on an odyssey which would forge a timeless legacy for all Americans; and

WHEREAS, the exhibit will allow visitors to understand the struggles encountered by an all Black flying unit, which is now known as the Tuskegee Airmen, that set an academic record never equaled in the history of Chanute, despite problems of segregation and race relations of the current day; and

WHEREAS, over 1,000 square feet of exhibit space will engage visitors with artifacts, photographs, and an inviting design. The exhibit will include two model dioramas and integrated artwork; and

WHEREAS, on June 3, 2006, the Octave Chanute Aerospace Museum is holding the Grand Opening Gala for their newest exhibit: The 99th Pursuit Squadron Project:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 3, 2006 as **OCTAVE CHANUTE AEROSPACE MUSEUM'S 99TH PURSUIT SQUADRON DAY** in Illinois in recognition of the opening of this exhibit that honors the sacrifice, courage, and triumph of the men in the 99th Pursuit Squadron.

Issued by the Governor on May 24, 2006.

PROCLAMATIONS

Filed by the Secretary of State May 24, 2006.

2006-202

ENSEMBLE ESPAÑOL DAY

WHEREAS, Northeastern Illinois University's in-residence dance company, Ensemble Español Spanish Dance Theater, is celebrating its 30th anniversary in 2006; and

WHEREAS, the 30th anniversary is a yearlong event, which began with the Flamenco Festival on January 28, 2006 sponsored by the City of Chicago and the Instituto Cervantes, and the highlight celebration will be the American Spanish Dance Festival running from June 8 – 25, 2006; and

WHEREAS, the Ensemble Español, which is recognized nationally and internationally, has played an exceptional role in making the City of Chicago artistically unique; and

WHEREAS, the Ensemble Español Spanish Dance Theater is a not-for-profit corporation chartered to share the rich tradition of dance, music, literature, and culture of Spain with all our communities, and to be a center which encourages new artistic creativity within the framework of the Ibero-Hispanic experience; and

WHEREAS, the Ensemble Español is hailed as the "Center for Spanish Dance in America" and recognized as the leader in Hispanic dance and music, uniting all of our communities via their mission of art, culture, and education; and

WHEREAS, the company founder and artistic director, Dame Libby Komaiko, is the first American artist in history to be decorated with the Lazo de Dama de Orden de Isabel la Católica (Ribbon of the Dame), Spain's highest honor, by Juan Carlos I, King of Spain, for her work in spreading the cultural values of Spain via music and dance throughout the United States; and

WHEREAS, with an extraordinary repertoire of over 120 works, this dance company exemplifies their cultural and artistic mission to further the artistic awareness of the Hispanic culture, allowing them to design the foundation of an international center for Spanish dance education:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 8, 2006 as **ENSEMBLE ESPAÑOL DAY** in Illinois.

Issued by the Governor on May 24, 2006.

Filed by the Secretary of State May 24, 2006.

PROCLAMATIONS

**2006-203
DAIRY MONTH**

WHEREAS, the dairy industry directly employs over 11,600 Illinois citizens and contributes over 600 million dollars annually in taxes in producing, processing, and distributing dairy products; and

WHEREAS, the total state wide economic impact of the Illinois dairy industry is almost 8 billion dollars; and

WHEREAS, the State of Illinois is home to over 90 dairy processing plants that employ over 8,000 workers; and

WHEREAS, dairy products are a prime source of calcium, protein, and other nutrients that are essential to a healthy diet; and

WHEREAS, the newly released 2005 Dietary Guidelines for Americans recommends 3 servings of low-fat and fat-free dairy foods every day; and

WHEREAS, organizations such as Midwest Dairy Association and St. Louis District Dairy Council work to educate students and consumers, and to promote the goodness of dairy products and 3-A-Day of dairy; and

WHEREAS, organizations such as the Illinois Milk Producers Association, state purebred dairy cattle associations, and the University of Illinois Illini Dairy Science Club work to promote and enhance the Illinois dairy industry on behalf of Illinois' dairy farmers; and

WHEREAS, June is set aside annually to honor the dairy producers and dairy industry for its contributions to the nutritional well-being of all people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2006 as **DAIRY MONTH** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on May 24, 2006.

Filed by the Secretary of State May 24, 2006.

**2006-204
AUTOMOTIVE SERVICE PROFESSIONALS WEEK**

PROCLAMATIONS

- WHEREAS, the automotive service professional, an invaluable member of the automotive service industry in Illinois, is a highly trained and skilled individual; and
- WHEREAS, there are over 15,000 ASE Certified Automotive Service Professionals working in over 7,800 automotive service and repair facilities in Illinois; and
- WHEREAS, the goal of the automotive service and repair industry in Illinois is to provide motorists with the best possible vehicle repair and service; and
- WHEREAS, this goal can only be accomplished by developing and using the highly technical and diagnostic skills of automotive service professionals, who are responsible for maintaining, servicing, and repairing the vehicles that the motoring public depends on to travel safely and securely over our nation's roads; and
- WHEREAS, automotive service professionals provide prompt, complete, accurate, and quality service to the increasingly complex vehicles consumers depend upon daily, while diligently adhering to standards of professionalism and continuing technical education and training; and
- WHEREAS, automotive service professionals' ongoing efforts to fix it right the first time are worthy of recognition and appreciation for their dedication to the car owners and vehicles in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 12-18, 2006 as **AUTOMOTIVE SERVICE PROFESSIONALS WEEK** in Illinois, and encourage all citizens to recognize the valuable and meaningful contributions that automotive service professionals make to keep our cars and trucks running.

Issued by the Governor on May 25, 2006.

Filed by the Secretary of State May 25, 2006.

2006-205
AMATEUR RADIO MONTH

- WHEREAS, the Federal Communications Commission (FCC) defines the Amateur Radio Service as a voluntary, noncommercial communication service, used by persons interested in radio technique as a hobby, and not for reasons of financial gain or broadcast; and
- WHEREAS, there are approximately 675,000 amateur radio operators in the United States, and more than 22,000 in the state of Illinois; and

PROCLAMATIONS

WHEREAS, amateur radio operators, also known as ham radio operators, use radio technology mostly as a form of personal enjoyment, however, amateur radio is also a vital asset in the field of emergency communications, and has been formally recognized by a number of national relief organizations; and

WHEREAS, during natural disasters, normal telephone and cell phone systems are disrupted, creating a need for amateur radio operators to step in and coordinate their communication efforts with disaster relief teams; and

WHEREAS, amateur radio operators have played a significant role in aiding relief workers in national emergencies, including the Oklahoma City Bombing in April 1995, the terrorist attacks on September 11, 2001, and the tornadoes that ravaged Illinois communities in April 2004 and March 2006; and

WHEREAS, this year's Amateur Radio Field Days will take place on June 24 - 25, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2006 as **AMATEUR RADIO MONTH** in Illinois, and encourage all citizens to recognize the services this state's amateur radio operators provide in keeping our communities safe.

Issued by the Governor on May 25, 2006.

Filed by the Secretary of State May 25, 2006.

2006-206**NATIONAL MEN'S HEALTH WEEK**

WHEREAS, in 1994, the Men's Health Network worked with Congress to develop National Men's Health Week as a special campaign to help educate men and their families about preventable health problems, and encourage early detection and treatment of disease among men and boys; and

WHEREAS, it is fundamental that men view their health as an issue of utmost importance, as it affects not only themselves, but also the well-being of their families; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings, and take on healthy eating habits with regular exercise regimens; and

WHEREAS, during Men's Health Week, men should focus on implementing healthier life choices, and ask their doctors about a range of common men's health issues, including: heart disease; diabetes; and prostate, testicular, and colon cancers; and

PROCLAMATIONS

WHEREAS, early detection of male health problems will result in reducing rates of mortality from disease, and offer men a chance at more fulfilling and energetic lives:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 12 – 18, 2006 as **NATIONAL MEN'S HEALTH WEEK** in Illinois, and encourage all men to make a conscious effort to undergo health screenings, and to make a commitment to a healthy lifestyle for themselves, and for their families.

Issued by the Governor on May 26, 2006.

Filed by Secretary of State May 26, 2006.

2006 -207**NATIONAL HUNGER AWARENESS DAY**

WHEREAS, America's Second Harvest, the largest hunger-relief organization in the United States, has seen an increase in demand for food, particularly among families with children, and it has launched a national campaign to secure additional resources to help ease child hunger; and has declared June 6th, 2006 to be **NATIONAL HUNGER AWARENESS DAY**; and

WHEREAS, hunger and poverty are issues of grave concern in the United States, with more than one million adults and children in Illinois alone who are at or below the poverty level and likely in need of food assistance; and

WHEREAS, the Illinois Food Bank Association provides food to adults and children in Illinois each week through its network of 2,000 food pantries, soup kitchens, shelters and after-school programs; and

WHEREAS, the Illinois Food Bank Association's members include the Greater Chicago Food Depository, Central Illinois Food Bank, Peoria Area Food Bank, St. Louis Area Food Bank, Eastern Illinois Food Bank, Northern Illinois Food Bank, River Bend Food Bank, and Tri-State Food Bank; and

WHEREAS, the Illinois Food Bank Association works to provide food to hungry people while educating the public about the purpose of food banks serving Illinois counties and the role of food banks in addressing hunger; and

WHEREAS, more than 200 America's Second Harvest affiliates, including the Illinois Food Bank Association's members, will host numerous local events during the month of June for National Hunger Awareness Day to raise awareness of this serious issue:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 6, 2006 as **NATIONAL HUNGER AWARENESS DAY** in Illinois, and encourage all citizens to recognize the problem of hunger in the State of Illinois and initiate a dialogue to help prevent hunger each and every day of the year.

Issued by the Governor on May 26, 2006.

Filed by Secretary of State May 26, 2006.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 23 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 515	10241
89 - 750	10251
11 - 213	10258

ADOPTED RULES

26 - 100	06/01/2006.....	10261
26 - 125	06/01/2006.....	10266
89 - 119	05/26/2006.....	10274
89 - 120	05/26/2006.....	10314
89 - 125	05/26/2006.....	10328
89 - 126	05/26/2006.....	10357
89 - 126	05/26/2006.....	10359
89 - 140	05/26/2006.....	10370
89 - 148	05/26/2006.....	10393
89 - 153	05/26/2006.....	10417
56 - 120	05/24/2006.....	10424
35 - 618	05/23/2006.....	10448
11 - 306	06/01/2006.....	10459
11 - 311	06/01/2006.....	10463
11 - 1314	06/01/2006.....	10467
86 - 100	05/23/2006.....	10473
86 - 700	05/23/2006.....	10486
23 - 3060	05/25/2006.....	10492

PEREMPTORY RULES

80 - 310	06/01/2006.....	10508
----------	-----------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

06 - 200	05/23/2006.....	10549
06 - 201	05/24/2006.....	10550
06 - 202	05/24/2006.....	10551
06 - 203	05/24/2006.....	10552
06 - 204	05/25/2006.....	10552
06 - 205	05/25/2006.....	10553
06 - 206	05/26/2006.....	10554
06 - 207	05/26/2006.....	10555

REGULATORY AGENDA

47 - 375	10538
----------	-------	-------

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2001 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2002 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

VISA Master Card Discover (There is a \$2.00 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com