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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

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

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Administrative Hearings

2) **Code Citation:** 32 Ill. Adm. Code 200

3) **Section Numbers:**

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4) **Statutory Authority:** Authorized by Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40/18]

5) **A Complete Description of the Subjects and Issues Involved:** The Agency is proposing this rulemaking to: 1) Change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12 (2003); 2) Clarify when an attorney must file an appearance; and 3) Clarify the importance of the Director's final decision.

6) **Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking:** No

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** No
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

8) **Does this rulemaking contain an automatic repeal date?**  No

9) **Does this rulemaking contain incorporations by reference?**  No

10) **Are there any other proposed amendments pending on this Part?**  No

11) **Statement of Statewide Policy Objective:** The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Kevin McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois  62704

217/524-0770 (voice)  
217/782-6133 (TDD)

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities or not for profit corporations affected:** The Agency believes that this rulemaking will have no direct impact on small businesses, small municipalities or not-for-profit corporations.

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:** July 2008
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:
NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER a: ADMINISTRATIVE HEARING RULES

PART 200
ADMINISTRATIVE HEARINGS

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

AUTHORITY: Authorized by Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the
Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 7 Ill.
Reg. 9306, effective July 22, 1983; codified at 7 Ill. Reg. 16404; amended at 10 Ill. Reg. 17200,
effective September 25, 1986; amended at 26 Ill. Reg. 17739, effective December 2, 2002;
Section 200.10 Scope and Nature of Rules

a) Authority and Scope

1) Authority. The rules of this Part are promulgated pursuant to Section 5-10(a) of the Illinois Administrative Procedure Act (IAPA) \[5 ILCS 100/5-10\](Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)).

2) Scope. This Part shall govern the proceedings of any adjudicatory administrative hearing of the Illinois Emergency Management Agency (Agency), Department of Nuclear Safety (Department), except as otherwise specifically provided by statute or regulation.

b) Communications to the Agency. All communications to the Agency concerning administrative hearings shall be addressed to the Director at Illinois Emergency Management Agency, 2200 S. Dirksen Parkway, Springfield, Illinois 62703, unless otherwise directed.

c) Construction of Rules. These rules shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the State of Illinois. In case of any conflict between these rules and the IAPA or a licensing statute, the procedures of the IAPA or licensing statute shall control.

(Source: Amended at 33 Ill. Reg. _______, effective ____________)

Section 200.20 Appearance – Right to Counsel

a) The Agency shall allow only attorneys licensed and registered to practice in this State to appear before it in administrative hearings, except that a natural person may appear on his or her own behalf. [420 ILCS 40/18]

b) Each party to a proceeding before the Agency shall inform the Agency in writing of the name and address to which any notice or other document should be served upon the party to such proceeding. Attorneys representing a party must enter an appearance prior to the hearing.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

c) All persons appearing in proceedings before the Agency Department shall conform to the standards of conduct of attorneys before the courts of the State of Illinois ([RPC Rule 3.3]). If a person fails to conform to these standards, and such failure delays or disrupts the proceeding, the Agency Department or the hearing officer shall have the authority to prohibit such person from appearing in the proceeding.

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.30 Parties

a) The parties to administrative hearings before the Agency Department are the Agency Department and the Respondent.

b) A Respondent is a person or entity against whom a Preliminary Order and Notice of Opportunity for Hearing or a denial of licensure is issued by the Agency Department.

c) Misnomer of a party is not a ground for dismissal. The name of any party may be corrected at any time.

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.40 Form of Papers

a) Written pleadings, motions or other documents filed in any proceeding shall be typewritten. Copy shall be on one side of the paper and shall be double spaced, except that quotations may be single spaced and indented. Reproductions of any documents to be incorporated into the record may be made by carbon or copying machine or any other process that produces legible black on white copies.

b) Written pleadings, motions or other documents filed in any proceeding shall be cut or folded to a width of 8½ inches and a length of 11½ inches and shall have inside margins of no less than one inch width.

c) Written pleadings, motions, or other documents shall be signed in ink with the name and address of the party filing the paper, and, if represented by an attorney, the name and address of the attorney.
d) Written pleadings, motions, affidavits, and other documents shall be filed in triplicate with the Agency Department and one copy shall be served on each party to the proceeding.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.50 Notice, Service and Proof of Service

a) The hearing officer and all parties to the proceedings shall be served all pleadings, motions, notices and other documents filed by any party. Proof of such service on all parties shall be filed with the hearing officer.

b) Any Order or Notice issued by the Agency Department shall either be served personally or by registered or certified mail on the Respondent.

c) All other pleadings and other documents shall be served personally or by first class United States mail properly addressed, with postage prepaid, to each party to the proceeding.

d) When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.

e) Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgement, or certified or registered mail return receipt requested.

f) Wherever notice or notification is indicated or required, it shall be effective upon the date of mailing to the party's business address, residence or last address on file with the Agency Department.

g) In addition to the methods provided for in this Part, a Respondent may be served in any manner permitted by law. (Ill. Rev. Stat. 1985, ch. 110, pars. 2-201 et seq.)

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.60 Preliminary Order and Notice of Opportunity for Hearing

a) In the event that a person has violated or is alleged to have violated the statutes, regulations or terms of licensure or accreditation, the Agency Department shall
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

commence administrative proceedings by the service of a Preliminary Order and Notice of Opportunity for Hearing upon the Respondent.

b) The Preliminary Order and Notice of Opportunity for Hearing shall contain:

1) A statement of the legal authority and jurisdiction under which a hearing would be held;

2) A reference to the provisions of the statute(s), regulation(s) or term(s) of licensure or accreditation involved;

3) A short and plain statement of the matters asserted, including dates, location, events, nature, extent, and duration, to advise the Respondent of the extent and nature of the alleged violations;

4) A statement of the right to request a hearing and the date that a request for a hearing is to be submitted to the Agency, which shall be at least ten (10) days from the date of the Preliminary Order;

5) The time, date and location when the hearing will be held, if one is requested; and

6) A statement of the actions that will be taken by the Agency in the event that a hearing is not requested by the Respondent.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.70 Right to Hearing

a) In the event that the Respondent seeks a hearing pursuant to matters raised in a Preliminary Order issued in accordance with Section 200.60, the Respondent must submit a request for a hearing by the date specified in the Preliminary Order. In the event that a person seeks a hearing pursuant to the denial of an application for licensure or accreditation or the denial of reinstatement of licensure or accreditation by the Agency, the person must submit a request for a hearing within thirty (30) days after the denial.
b) This request must be in writing and must contain a brief statement of the basis upon which the Agency's Department's Preliminary Order or denial of licensure or accreditation is being challenged.

c) If the request is not submitted by the date required in accordance with subsection (a), or if the request is submitted but later withdrawn, the action(s) proposed by the Agency Department in the Preliminary Order or denial of licensure or accreditation shall be a final and binding administrative determination.

d) Upon notice from the Agency that a Respondent is required to have an attorney pursuant to 420 ILCS 40/18, the Respondent's attorney shall have 30 days to enter an appearance with the Agency. If no such appearance is filed, the hearing request will be considered withdrawn and the Preliminary Order or denial of licensure shall be a final and binding administrative determination.

d) No final decision shall be made or action taken by the Agency Department until the Respondent has had an opportunity to request a hearing and, if requested, a hearing has been held, except that, in cases in which there is an immediate threat to public health or safety, the Agency Department may take action to immediately enjoin such threat pending a hearing. The hearing shall be held within thirty (30) days after the Agency Department's action [420 ILCS 40/38(a)] (Ill. Rev. Stat. 1985, ch. 111½, par. 222).

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.90  Continuances

A party shall be granted one continuance of up to fourteen (14) days on request or as agreed to by all parties. Any other requests for a continuance will be granted only for good cause shown. In determining good cause, factors that the hearing officer may consider shall include the inability to produce a material witness or evidence, surprise, required attendance of legal counsel elsewhere, illness or death of a party or witness, and substitution of an attorney.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.100  Hearing Officer

a) When a Preliminary Order and Notice of Opportunity for Hearing is issued and a
NOTICE OF PROPOSED AMENDMENTS

hearing is requested, the Director of the Agency Department shall designate a hearing officer to preside at the formal administrative hearing.

b) The appointed hearing officer shall not have direct involvement with the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a hearing officer.

c) The hearing officer shall have the duty to conduct a fair hearing, to maintain order, to ensure development of a clear and complete record, and to submit a written report to the Director for the Director's decision.

d) In addition to other authority provided in this Part, the hearing officer shall have the authority to:

1) Direct the parties to meet in an informal conference in accordance with Section 200.120;

2) Administer oaths;

3) Receive evidence and rule upon the admissibility of oral testimony and other evidence;

4) Examine witnesses for the purpose of clarifying the record;

5) Consider and rule upon motions in accordance with Section 200.80.

(Source: Amended at 33 Ill. Reg. ______, effective ____________ )

Section 200.110 Ex Parte Consultation

Ex parte communications and consultation between and among parties shall be limited to that which is in accordance with the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60).

(Source: Amended at 33 Ill. Reg. ______, effective ____________ )

Section 200.130 Conduct of Hearings

a) Unless closing the hearing is necessary to preserve the confidentiality of medical
NOTICE OF PROPOSED AMENDMENTS

records, or the confidentiality of trade secrets or financial information the disclosure of which could cause competitive harm, hearings shall be open to the public, as required by Section 8.2 of the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111½, par. 218.2). If matters of confidentiality are involved, the hearing officer shall have the authority to close all or a portion of the hearing to the public.

b) The hearing officer shall direct all parties to enter their appearances on the record. All witnesses shall be sworn.

c) The hearing officer shall inquire fully into the matters at issue and shall receive testimony of witnesses and any other evidence that is relevant and material to the issues presented. The following shall be the usual order of administrative hearings, unless the hearing officer decides otherwise:

1) presentation, argument, and disposition of preliminary motions in accordance with Section 200.80;

2) presentation of opening statements;

3) Agency's case in chief;

4) Respondent's case in chief;

5) Agency's case in rebuttal;

6) Respondent's case in rebuttal;

7) presentation of closing arguments, including legal arguments.

d) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Disposition may be made of any case by stipulation, agreed settlement, consent order or default.

(Source: Amended at 33 Ill. Reg. ______, effective _____________)

Section 200.140 Amendments
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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

At any time prior to the hearing or before completion of the hearing, amendments shall be allowed for good cause shown to introduce any party who ought to have been joined, to dismiss any party, or to delete, modify or add allegations or defenses. In the event of a change in parties or a substantive amendment to the allegations or defenses immediately preceding or during the hearing, any remaining party may request that the hearing be suspended. Upon such request, the hearing officer shall suspend the hearing for up to fourteen (14) days or as agreed to by all parties to provide an opportunity for the parties to respond to such changes in parties or substantive amendments that are introduced immediately preceding or during the hearing.

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.150  Burden of Proof

a) The burden of proof shall be on the Agency, Department unless the matter at issue is the denial of an application for licensure or accreditation, or an application for reinstatement of licensure or accreditation that has been previously revoked, suspended, or otherwise terminated. In such cases, the burden of proof shall be on the Respondent.

b) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect thereto shall be upon the party which alleges such new matter.

c) The standard of proof with respect to all hearings conducted pursuant to this Part shall be a preponderance of the evidence.

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.160  Witnesses at Hearings

a) The hearing officer or the official reporter may administer oaths to witnesses.

b) Both the hearing officer and the parties or their representatives may examine witnesses.

c) A party may conduct examination and cross-examination that is shown to be necessary to a full and fair disclosure of facts bearing upon matters in issue, provided that such examination or cross-examination does not abuse or harass a witness.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.170 Evidence at Hearings

a) When the hearing results from the denial of an application for licensure or accreditation, or denial of an application for reinstatement of licensure or accreditation, the Respondent shall have the right to introduce evidence at the hearing that was not made available to the Agency at the time the application was denied. If the hearing officer determines that such additional evidence could have affected the Agency's decision to deny the application, the hearing officer shall suspend the hearing to enable appropriate representatives of the Agency to consider this additional evidence and to decide whether the decision to deny the application should be modified or reversed.

b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. However, evidence not admissible under rules such as evidence may be admitted (except where precluded by statute) if it is of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Any party may submit evidence in rebuttal.

c) Accurate summaries of voluminous documents may be admitted into evidence. The document summarized need not itself be admitted into evidence. Copies of the document need not be provided so long as all parties are accorded a reasonable opportunity to inspect the document summarized.

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.180 Cross-Examination

a) Subject to the evidentiary requirements of this Part, a party may conduct cross-examination required for a full and fair disclosure of the facts.
b) If the hearing officer determines that a witness is hostile or unresponsive, the hearing officer shall authorize the examination by the party calling the witness as if under cross-examination.

c) Any party may call any adverse party as a witness and proceed to examine such adverse party as if under cross-examination except that, if the Respondent wants to call a representative of the Agency as an adverse witness, he/she may do so only if the representative was directly involved in the determinations which served as the basis for the Agency's Preliminary Order under this Part.

d) Any party calling a witness, upon a showing that he/she called the witness in good faith and is surprised by the testimony of the witness, may impeach that witness by evidence of prior inconsistent statements.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.190 Official Notice

a) Official notice may be taken of:

1) Matters of which the Circuit Courts of this State may take judicial notice; and

2) Generally recognized technical or scientific facts within the Agency's specialized knowledge.

b) Parties shall be notified before or during a hearing, or by reference in preliminary reports, or otherwise, of the material noticed, including any staff memoranda or data to be offered as evidentiary matter during the course of the hearing, and the parties shall be afforded an opportunity to contest the material so noticed. The Agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
NOTICE OF PROPOSED AMENDMENTS

The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. (Ill. Rev. Stat. 1985, ch. 127, par. 1012)

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 200.210 Hearing Record

a) The Agency Department shall designate an official reporter to make and transcribe a stenographic record of the adjudicatory proceedings.

b) A complete record of the hearing shall include:

1) all pleadings (including all notices, responses, motions, and rulings);
2) evidence received;
3) a statement of matters officially noticed;
4) offers of proof, objections and rulings on objections thereon;
5) proposed findings and exceptions;
6) any recommended decision, opinion or report by the hearing officer;
7) staff memoranda or data submitted to the hearing officer or the Agency Department in connection with the consideration of the case; and

c) A copy of the record will be reproduced at the request of any party involved. The requesting party shall bear the cost thereof in accordance with Ill. Rev. Stat. 1985, ch. 116, par. 206.

d) The Agency Department shall be the official custodian of the records of administrative hearings held before the Agency Department.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.220 Hearing Officer's Report

a) As soon as practicable after the close of a hearing, the hearing officer shall prepare a written report of the case, which shall be based upon the evidence adduced at the hearing or otherwise included in the record. The written report shall contain findings of fact, a recommended decision and the reasons for the decision therefor.

b) This report shall be submitted to the Director. The hearing officer shall also send a copy of the such report to the Respondent or his/her counsel and to the Agency's Department's counsel. Both the Respondent and the Agency's Department's counsel may file written exceptions within ten (10) days.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 200.230 Final Decision of the Director

a) The Director shall reach a final decision in each proceeding which shall be specified in a written order including findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

b) A copy of the Final Decision Order of the Director shall be served personally or by certified or registered mail upon all parties to the proceeding.

c) The decision of the Director shall be considered a final and binding administrative order subject to the Administrative Review Law Final Order.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Medical Assistance Programs

2) **Code Citation:** 89 Ill. Adm. Code 120

3) **Section Number:** Proposed Action:
   120.329 Repealed

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **A Complete Description of the Subjects and Issues Involved:** HFS stated that it was in compliance with a court order when it filed the peremptory rulemaking at 32 Ill. Reg. 18889 that supplemented eligibility standards for medical assistance by requiring compliance with non-economic eligibility requirements of Article IV. At its November 19, 2008 meeting, JCAR objected to and suspended the peremptory amendment on the grounds it was an unauthorized use of peremptory rulemaking. The Objection and Suspension appeared at 32 Ill. Reg. 18906 and took effect on November 19, 2008. At its April 21, 2009 meeting, JCAR voted to withdraw the Suspension contingent upon HFS filing an emergency repeal of the peremptory amendment and the notice of this action is published at 33 Ill. Reg. 6551. HFS adopted an emergency repeal of that peremptory amendment at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; this rulemaking, upon adoption, will make permanent that emergency repeal.

6) **Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking:** No

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any rulemakings pending on this Part?** Yes

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

11) **Statement of Statewide Policy Objectives:** This proposed amendment does not affect units of local government.

12) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3rd Floor  
Springfield IL 62763-0002

217/557-7157

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

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

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities or not for profit corporations affected:** None

B) **Reporting, bookkeeping or other procedures required for compliance:** None

C) **Types of professional skills necessary for compliance:** None
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated when the last regulatory agenda was published.

The full text of the Proposed Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED 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)
NOTICE OF PROPOSED AMENDMENT

Licensed Community – Integrated Living Arrangements

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)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
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

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120.310 Citizenship
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120.315 Relationship
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining 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
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120.327 Social Security Numbers
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120.342 Child Support and Spousal Maintenance Payments
120.345 Earmarked Income
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SUBPART I: SPECIAL PROGRAMS

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120.550 Asylum Applicants and Torture Victims

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.329  Compliance with Non-Economic Eligibility Requirements of Article IV
(Suspended; Repealed)

So long as required by either the September 26, 2008 Opinion issued by the Illinois Appellate Court, First District in the case of Caro vs. Blagojevich, Case No. 1-08-1061 or other applicable authority, to be eligible for medical assistance for any program implemented pursuant to Section 5/2-(2)(b) of the Illinois Public Aid Code, an individual must comply with the requirements set forth in Section 4-1.5a and 4-1.7 through 4-1.10 [305 ILCS 5/4-1.5a; 305 ILCS 4-1.7 through 305 ILCS 5/4-1.10] of the Illinois Public Aid Code, published by West Group, 610 Opperman Drive, Eagan, Minnesota 55123, as of 2008, not including any subsequent amendments or editions.

(Source: Added by peremptory rulemaking at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory rule suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory rule repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; peremptory rule repealed at 33 Ill. Reg. _____, effective ___________ )
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Vending Facility Program for the Blind

2) **Code Citation:** 89 Ill. Adm. Code 650

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing the Randolph-Sheppard Vending Stand Act (20 USC 107) and authorized by the Blind Persons Operating Vending Facilities Act [20 ILCS 2420]

5) **A Complete Description of the Subjects and Issues Involved:** This rulemaking pertains to the Business Enterprise Program for the Blind, operated under the Division of Rehabilitation Services. Revisions have been made, with input from the Illinois Committee of Blind Vendors, to update language and bring the Part into compliance with current program standards.

6) **Published studies or reports, and sources of underlying data, used to compose 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
DEPARTMENT OF HUMAN SERVICES

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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: 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
   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: Food Service, Vending Machine Facilities, Retail Stands

   B) Reporting, bookkeeping or other procedures required for compliance: Applicable personnel, sales tax, public health, and business administration procedures are required of the Department and the vendors.

   C) Types of professional skills necessary for compliance: Qualified individuals complete a training program in order to be certified as a licensed blind vendor.

14) Regulatory Agenda on which this rulemaking was summarized: January 2007 and January 2009

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 c: VOCATIONALLY RELATED PROGRAMS

PART 650
VENDING FACILITY PROGRAM FOR THE BLIND

Section 650.10  Definitions
Section 650.20  Rights and Responsibilities of DHS-DRSORS as State Licensing Agency
Section 650.30  Rights and Responsibilities of Vendors in the Program
Section 650.40  Illinois Committee of Blind Vendors
Section 650.50  Program Eligibility Requirements
Section 650.60  Training
Section 650.70  Certification of Vendors
Section 650.80  Licensing of Vendors
Section 650.90  Awarding of Facilities
Section 650.100  Business Practices
Section 650.110  Disciplinary Procedures for Vendors
Section 650.120  Disciplinary Procedures for VR Customers in Initial Training
Section 650.130  Grievance Procedures for Vendors
Section 650.140  Set-Aside Funds
Section 650.150  Leaves of Absence
Section 650.160  Vending Facilities in Rest Area

AUTHORITY:  Implementing the Randolph-Sheppard Act (20 USC 107 et seq.) and authorized by the Blind Persons Operating Vending Facilities Act [20 ILCS 2420].


Section 650.10  Definitions
DEPARTMENT OF HUMAN SERVICES

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"Active participation" means involvement of the Illinois Committee of Blind Vendors (ICBV), and negotiation between the Department of Human Services-DivisionOffice of Rehabilitation Services (DHS-DRSORS) and ICBV in administrative matters of a major type. "Active participation" does not mean concurrence on all issues, and where concurrence is not reached, DHS-DRSORS is given the ultimate authority to determine policies per 34 CFR 395.

"Administrator" means the employee of DHS-DRSORS responsible for the administration of the Program per the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and its regulations (34 CFR 395 (1986)).

"Business consultantcounselor" means the person designated by DHS-DRSORS to consult with and advise assigned vendors, and provide regular written reports on the individual facilities and the vendor's performance to the vendor and DHS-DRSORS.

"Certification" means a vendor has completed training in an approved DHS training module that is required by the Vending Program for the Blind.

"Days" means working days, i.e., Monday through Friday excluding State established holidays or days on which government offices are closed by order of the Governor, unless otherwise stated.

"DHS-DRSORS" means the Illinois Department of Human Services-DivisionOffice of Rehabilitation Services.

"Facility" means the location or locations assigned to one or more vendors by DHS-DRSORS from which the vendors derive income.

"ICBV" means the Illinois Committee of Blind Vendors established under Section 650.40.

"License" means a written document issued by DHS-DRSORS to an individual meeting the standards in Section 650.80 authorizing the individual to operate a facility. Licenses may be "active" or "inactive". To maintain an "active" license, a vendor must be currently assigned a facility, have been assigned a facility at some time in the previous calendar year, or be on an approved leave. A license will be deemed "inactive" if the vendor is suspended or is not currently assigned a facility and has not been assigned a facility in the previous calendar year.
"Net income" means the profits of the assigned facility after deducting the cost of replacement persons and set-aside.

"Net proceeds" means the amount remaining from the sale of articles or services of facilities and any vending machine or other income accruing to vendors after deducting the cost of the sale and other expenses (excluding set-aside funds).

"Nominee agency" means a nonprofit agency or organization designated by DHS-DRS, through a written agreement, to act as DHS-DRS' agent in the provision of specified services under this Part.

"Period" means the four-week business cycle used by the Program for reporting purposes; therefore there are 13 periods per year.

"Program" means all the activities of the state licensing agency under 34 CFR 395 related to vending facilities on federal and other property.

"Program assets" are the financial and physical resources of a facility, including inventory of product, supplies, equipment and funds generated from the sale of goods or services, except such items purchased by a vendor.

Randolph-Sheppard Act" means the Randolph-Sheppard Act, as amended (20 USC 107 et seq.), which governs the federal vending stand program.

"Receipt", for material sent by DHS-DRS to a vendor(s), is presumed four days from the date of postmark or on the day of delivery for hand-delivered items, or, if a verbal form of communication, on the date of receipt.

"Replacement person" means a person assigned or provided to temporarily assume the responsibilities of a vendor, as prescribed by Section 650.150.

"Seniority" is determined from the date a vendor receives a license to operate a facility and is inventoried into a facility and will continue as long as the vendor retains an active license. If a vendor loses his or her facility, the seniority will not continue to accrue. Beginning from the date of adoption of this Part, seniority will not accrue for the period when an individual's license is inactive and will be lost if an individual loses his/her license.
"Set-aside funds" or "set-aside" means funds which accrue to DHS, for uses described in Section 650.140, from an assessment against the net proceeds of each facility and any income from vending machines on federal property that accrues to DHS-DRSORS.

"State licensing agency Licensing Agency" means the state agency designated by the Secretary of the United States Department of Education to issue licenses to blind persons for the operation of vending facilities on federal, state, local governmental and other property. In Illinois this agency is DHS-DRSORS.

"Supervisor" means the employee of DHS-DRSORS responsible for the supervision of personnel and training, or the person designated to carry out these responsibilities in the absence of the supervisor.

"34 CFR 395" is the citation to the federal regulations for the Randolph-Sheppard Act. All references refer to the 1986 edition, and no later editions or amendments are included.

"Trainee" means a customer of DHS-DRSORS Vocational Rehabilitation Program who meets the criteria for participation in the Program, per Section 650.50, who is attending the Program's training classes or is on an assigned on-the-job training position while in training.

"Vendor" means an individual meeting the criteria for participation in the Program, per Section 650.50, who has been certified and licensed by DHS-DRSORS and is eligible to manage, or is managing, a facility or is on an approved personal or medical leave.

"VR" means vocational rehabilitation administered by the Department of Human Services under 89 Ill. Adm. Code: Subchapter b.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

**Section 650.20 Rights and Responsibilities of DHS-DRSORS as State Licensing Agency**

DHS-DRSORS, as state licensing agency, shall:

a) develop policies with the active participation of ICBV, implement policies and
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

procedures, and provide staff, funds, and any Program servicing agreement necessary to carry out its responsibilities under the Randolph-Sheppard Act;

b) coordinate the Program with DHS-DRSORS vocational rehabilitation program;

c) seek out and make arrangements for the use of suitable sites (based on factors such as space, anticipated income, rent or commissions required, or competition in the vicinity) for the establishment of facilities;

d) provide for expenditures from available State and federal funds, and other allowable resources including set-aside funds, for the acquisition, installation and replacement of equipment and accessories, and the provision of initial stocks of merchandise and supplies for each new facility;

e) determine whether right, title to, and interest in a facility, including equipment and initial stock, may be vested in the vendor per 34 CFR 395.6. DHS shall hold title to equipment and initial stock, however title may be voluntarily assumed by a vendor per 34 CFR 395.6;

f) ensure the conduct of the Program and the operation of each facility are in accordance with the Randolph-Sheppard Act, as amended and its regulations (34 CFR 395 (1988));

g) assure conformity with each facility's written permit, or agreement, or Memorandum of Understanding (MOU);

h) have responsibility for the selection of trainees; award of licenses; issuance of certifications; assignment of vendors to facilities; discipline of vendors; establishment of a rate and the collection of set-aside; and the utilization and disposition of Program assets;

i) determine that a facility should be operated by more than one vendor. This determination shall be based upon conditions of management and operation (e.g. the facility requires cash pick up or other security at diverse hours, or the facility has employees on many shifts where supervision is needed), volume of merchandise sold (e.g. a facility which has several peak sales points daily), required extended hours or days to provide service, or stipulations of permits or contracts with the building management. In such a multiple vendor arrangement, the division of net income shall be determined by DHS based on pertinent factors;
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including skills, qualifications and experience; degree of responsibility; and number of hours and days worked;

jj) operate unassigned, abandoned, or vacant (due to leaves of absence) facilities and make recommendations for facility closure;

jk) provide training to vendors on any new rules and procedures of the program;

kl) hire business consultants trained in business practices and sanitation, vending and retail;

lm) with building managers, develop contracts or permits for the operation of vending facilities. When appropriate (e.g., a vendor's attendance would be inappropriate when building management requests that a vendor not be present, or when building management will be assessing the vendor's abilities to carry out the permit or contract), involve the assigned vendor(s) in renegotiations of contracts or permits;

mn) ensure all Program equipment is maintained in good repair and attractive condition per 34 CFR 395.10;

n) identify, collect and monitor unassigned federal vending machine revenue, along with the distribution and use of that income;

o) distribute and use income from vending machines on federal property per 34 CFR 395.8.

op) if there is a potential breach of security in an assigned facility, DHS shall correct the breach before the new vendor is inventoried in and DHS may hold the prior vendor responsible for costs associated with the said remedy if the vendor does not leave the facility at the level of security required by Section 650.100(r); and-

p) provide any materials/notifications required by this Part in an accessible format as requested/required by the vendor.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.30 Rights and Responsibilities of Vendors in the Program
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a) Vendors have the following rights:

1) to grieve disciplinary actions under Section 650.130;

2) to grieve dissatisfaction with any action arising from the operation or administration of the Program under 89 Ill. Adm. Code 510;

3) to participate in the election of representatives to the Illinois Committee of Blind Vendors (ICBV);

4) to receive the net income from the management and operation of the facility to which vendors are assigned;

5) to bid on facilities for which a vendor is certified under Section 650.70; and

6) to review his/her personnel file and provide comments pursuant to 89 Ill. Adm. Code 505.10.

b) Vendors, or those on probation for licensing, are engaged in a "trade or business" as defined by the Self-Employment Contribution Act (26 U.S.C. 1401-1403, 1983) and their net income from the management and operation of a facility constitutes self-employment income as defined in Internal Revenue Ruling 54-255 (Rev Rul 54-255, 1954-2 CB 326 with no subsequent amendments or editions). A copy of this information will be distributed to the vendors.

c) The vendor is responsible for:

1) maintaining the facility pursuant to the conditions of the facility's contract, or permit, or MOU, and the federal regulations (34 CFR 395 (1988));

2) abiding by good business practices, specified in Section 650.100, as well as abiding by the provisions of this Part;

3) making all appropriate payments for local, State and federal taxes, and fees (if applicable), related to the sales, operations of the facility, and employees, within prescribed due dates;
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4) providing liability insurance protection in the following minimum amounts: public liability $500,000/1 million, property damage $50,000/100,000 and food products liability $500,000/1 million;

5) devoting full time, (minimum of 37.5 hours per week), to the affairs of the assigned facility; carrying out assigned activities, responsibilities and relationships in accordance with this Part;

6) considering advice presented by the business consultant or other Program personnel employed by DHS or the nominee agency (e.g., concerning loss control, security, equipment maintenance and repair, and customer relations);

7) notifying DHS of the vendor's current address, electronic address, TTY and telephone number within five days after a change; and

8) abiding by the signed "Vendor Agreement" and any provisions for purchase of initial stock and facility equipment.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.40 Illinois Committee of Blind Vendors

a) DHS-DRS will provide for the biennial election of an Illinois Committee of Blind Vendors that, to the extent possible, shall be fully representative of all blind vendors in the Program on the basis of such factors as geography and vending facility type, with a goal of providing for proportional representation of blind vendors on federal property and blind vendors on other property. Participation by any blind vendor in any election shall not be conditioned upon the payment of dues or any other fees.

b) ICBV shall:

1) Actively participate with DHS-DRS in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program;
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2) Receive and transmit to DHS-DRS grievances at the request of blind vendors and serve as advocates for those vendors in connection with the grievances;

3) Actively participate with DHS-DRS in the development and administration of a State system for the transfer and promotion of blind vendors;

4) Actively participate with DHS-DRS in the development of training and retraining programs for blind vendors; and

5) Sponsor, with the assistance of DHS-DRS, meetings and instructional conferences for blind vendors within the State.

c)a) The ICBV shall consist of eleven (11) vendors, as identified by the ICBV Bylaws, all of whom must have active licenses and be operating a facility. ICBV members shall be elected biannually for a term of two years. Such election shall be conducted by DHS, in the manner prescribed by 34 CFR 395.14, to assure that vendors operating a facility pursuant to 34 CFR 395.1 have an equal opportunity to participate in the election. No other persons shall be entitled to vote in such election.

b) ICBV members, as the elected representatives of the vendors, shall actively participate with DHS in major administrative decisions and policy and Program development decisions affecting the overall administration of the Program. Contacts between ICBV and DHS shall generally be through the Administrator or designated program staff.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.50 Program Eligibility Requirements

To be eligible for acceptance into, and to remain in, the Program an individual must be:

a) be legally blind, no better than 20/200 central visual acuity in the better eye with correction or a limitation to the field of vision in the better eye to such a degree that its widest angle subtends an angle no greater than 20 degrees. A vendor must submit to a visual acuity test, at DHS expense, when the Administrator has information that a vendor's vision has improved. If the vendor is no longer legally
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blind, the provisions in Section 650.110(g)(1)(B) will apply;

b) be a citizen of the United States and a resident of Illinois with proof of residency (e.g., utility bills, bank statements, etc.); and

c) be at least 21 years old;

d) have a valid State of Illinois identification card, or other documents as listed in the Department of Homeland Security Form I-9, Employment Eligibility Verification;

e) not be in possession of a Driver's License; and

f) not be convicted of a felony.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.60 Training

a) To meet the needs of trainees and licensed vendors, DHS will provide training or assist in developing training in four areas:

1) Initial Training: extended training required for any VR customer, under 89 Ill. Adm. Code: Chapter IV, per Subchapter b, seeking to enter the Program; provides a general introduction to food services and the skills necessary to operate facilities.

2) Retraining: additional training in the management of facilities to enable vendors to comply with the requirements for managing a facility as set forth in this Part.

3) Skill Enhancement Training: as required by 34 CFR 395.11 (1988), upward mobility training to allow vendors to become certified to operate different types of vending facilities. Vendors are required to obtain a certificate of completion or a passing grade for each individual course or seminar taken, in which an examination is given, and complete the requirements of Section 650.70 to become certified.

4) In-service Training: training to improve and/or enhance a vendor's
managerial and operational skills; such training is optional to the vendor, although attendance may meet the conditions for maintaining certification under Section 650.70. Vendors are required to obtain a certificate of completion or a passing grade if the class is to be considered for meeting certification standards and consideration for reimbursement of costs.

b) Initial Training

1) Initial training is required of any VR customers seeking to enter the Program prior to certification and licensing.

2) For entrance into the Initial Training Program an individual must:

A) meet Program eligibility requirements specified under Section 650.50;

B) be a VR client of DHS Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Chapter IV, Subchapter b);

C) be referred by a DHS VR counselor and complete an evaluation by DHS staff or other rehabilitation professionals indicating that the individual has:

i) adequate orientation and mobility skills to go to and from work and move about a facility;

ii) skills sufficient to communicate with the public and facility employees and to maintain the facility's records;

iii) mathematical skills adequate to complete Program financial documents;

iv) daily living skills sufficient to allow the individual to meet personal care and housekeeping needs.

D) be bonded for a minimum of $10,000 and successfully pass a criminal background check that has been approved by DHS.

3) Evaluation Committee
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An applicant's credentials (e.g., vocational evaluation, education, work experience, etc.) shall be reviewed by an Evaluation Committee made up jointly of DHS staff and an ICBV designee with experience in rehabilitation or the Program, named by the Administrator. The Evaluation Committee will determine that the individual meets the criteria in subsection (b)(2) of this Section. If these criteria are not met, the individual will be referred to his/her VR counselor for remedial or other VR services.

4) Initial training is divided into two areas:

A) a core module, which must be taken first, providing general orientation to all facility operations and skills necessary for the operation of any type of facility (e.g., making change, bookkeeping, completing reports); and

B) one or more of the specific training modules, which must be taken after completion of the core module, to learn skills needed for the operation of specific types of facilities (i.e., retail, food service, dry stand, snack bar, cafeteria, and vending machine) including on-the-job training. If a trainee elects to take less than threefour modules, he or she must indicate so in writing.

5) If a trainee is disciplined pursuant to Section 650.120(c), he or she shall be removed from training, referred back to his/her VR Vocational Rehabilitation counselor, and notified of the right to appeal under 89 Ill. Adm. Code 510.

6) Trainees and managers have the right to all materials presented in training, on the job training and all forms, letters, memorandums and any correspondence in an accessible format of their choice.

c) Completion of Initial Training

1) The core module test must be passed by achieving a score of at least 75% on the written examination. Failure to receive a passing score on the core module will result in an individual being removed from initial training and referred back to his or her VR Vocational Rehabilitation counselor.

2) If an individual passes the core module and completes one or more of the
specific modules, he or she can then take the tests for any specific training modules for which he or she has completed initial training, which shall be passed by a score of at least 75% on the written examination plus completion of all on-the-job training objectives. Failure to receive a passing score on any specific training module shall result in non-certification in that area.

d) Retraining of Vendors

1) Retraining is mandatory:

   A) as a remedy for a disciplinary action resulting from a violation of the business practices set forth in Section 650.100; and

   B) if a facility changes or expands to include food service areas in which a vendor is not certified.

2) Retraining is optional for a vendor upon a vendor's request and when equipment is placed in the facility with which the vendor has had no training or experience.

3) If a vendor requests retraining, DHS will determine whether it will be provided based on a review of his/her business consultant's observation reports, the vendor's annual evaluation and available training resources. DHS-DRS will ensure that effective programs of vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials, will be provided to blind individuals as VR services under the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516). These programs will include on-the-job training in all aspects of vending facility operation for blind persons with the capacity to operate a vending facility, and upward mobility training (including further education and additional training or retraining for improved work opportunities) for all blind licensees. DHS-DRS will further ensure that post-employment services will be provided to blind vendors as VR services as necessary to assure that the maximum vocational potential of vendors is achieved and suitable employment is maintained within the State's vending facility program.
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4) Facility Status During Retraining

A) A vendor who is mandated to take retraining, pursuant to subsection (d)(1) of this Section, must within six months satisfactorily complete the retraining by meeting the same standards as those of initial training (Section 650.60(c)) to retain operation of his/her facility. A vendor who does not satisfactorily meet these standards will only be eligible to bid on facilities for which he or she is certified.

B) If retraining is provided to a vendor under subsections (d)(2) and (3) of this Section, the vendor will retain his or her right to the assigned facility both during and upon successful completion of retraining.

C) During retraining, the vendor's replacement person costs will be paid by DHS.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.70 Certification of Vendors

a) An individual may be certified in one or more of the following areas: retail, food service, dry stand, snack bar, cafeteria, and vending machines.

b) DHS will certify individuals who:

1) successfully complete the core module and one or more specific training modules as set out in Section 650.60, and

2) demonstrate potential for employment as a vendor as determined by a Screening Committee interview with the individual. This determination shall be based upon the individual's personality (e.g. the individual's ability to get along with the public and fellow workers), performance during on-the-job training, and motivation (e.g. attendance, how well he or she accepts direction, positive customer service, willingness to alter behavior). The Screening Committee shall be composed of the supervisor, or designee, and the trainers employed by DHS, and shall employ the active participation of ICBV or
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its designee.

c) Certification in any area will only be valid for 24 months, subject to the provisions of subsection (e) of this Section.

d) Recertification for each additional 24 month period will only be granted if the vendor or graduate of training has:

1) had at least six months of work experience in the past 24 months in the specific area; or

2) satisfactorily completed two training programs in a specific area, offered or authorized by Program staff prior to attendance, during the past 24 months. Both training programs must be pertinent to the area of certification, as determined by DHS, and at least one of them must be a course offered or arranged by DHS or a college or university.

e) Certification for all vendors and graduates of training in the areas in which they are currently certified, will not expire for 24 months from the date of adoption of this Part. By that time, each vendor must have maintained his/her license and met the standards of subsection (d) of this Section in order to become re-certified.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.80 Licensing of Vendors

a) There shall be two categories of licenses: active and interim.

a) Licenses permitting individuals to manage facilities will only be issued to persons who:

1) are certified by DHS as qualified to manage and operate a facility;

2) satisfactorily complete a 6 month probationary period performing management and operation functions in a Program facility as an assigned vendor or replacement vendor. The supervisor will use the criteria in Section 650.90(d) to determine satisfactory completion of the probationary period.
To maintain an active license, a vendor must be currently operating a facility, or have operated a facility or been on medical leave from a facility at some time during the previous calendar year.

All active licenses will be reviewed by the supervisor at the beginning of each calendar year to determine if the vendor is currently certified. Notification of the status of certification will be made by the supervisor to the vendor in writing.

A license will be deemed to be inactive if the vendor is not currently assigned a facility, is suspended, or has not been assigned a facility in the previous calendar year.

An individual must meet the standards for completing training described in Section 650.60(c). If results of these tests reveal areas of deficiency, the vendor must successfully complete a retraining program to address those deficiencies. If no action is taken to activate a license after 6 months from the date of notification that it has become inactive, the license shall be terminated.

Any vendor with an active license on the date of adoption of this Part will be granted an interim license for one year. At the end of that time, the vendor must meet the conditions of subsection (c) or (f) of this Section and be certified in one or more areas in order to have an active license. If a vendor does not meet these conditions, the license will be placed in inactive status, unless it has been terminated.

Section 650.90  Awarding of Facilities

Any vendor with an interim or an active license or a graduate of training holding appropriate certifications may bid on an available facility for which they are certified under Section 650.70. Before a vendor may bid on a facility, a current annual evaluation is required to be on record.

DHS shall send notification of all facility openings to all vendors and also to individuals appropriately certified under Section 650.6070(a). The bid announcement will include:
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1) location of the available facility;

2) type of facility (i.e., retail dry stand, snack bar, food service or vending machine facility, cafeteria, or combination);

3) types of certification(s) necessary based on the make-up of the facility (e.g., retail, food service or a dry stand with vending machines);

4) requirements of the vacant position based on the type of facility and the conditions contained in the permit or agreement with the management of the building in which the facility is located;

5) anticipated income from the facility based upon profit and loss statements for existing facilities and projections based on the profit and loss statements for the previous three to six months for new facilities, if available;

6) the date by which the bid shall be received, which date shall be within 15 days following the date of notification. Receipt shall mean the bid is received at Business Enterprise Program for the Blind, Central Office, 809 Commercial Ave, Springfield IL 62703 in the office of the Program Administrator by 5:00 p.m. on 12:00 noon of the date designated in the bid;

7) a statement indicating that the vendor may submit a self-analysis of his/her performance;

8) the estimated value of inventory of merchandise;

9) the Program's Bid Application (IL488-2048).

c) Every licensed and appropriately certified vendor and appropriately certified graduate of training, under Section 650.6070(a), who has bid for an open facility must be interviewed in-person and evaluated by the Selection Committee. The Selection Committee shall consist of: the DHS-DRS Supervisor or Supervisor of Personnel and Training Support Services, who shall chair the Committee; a DHS-DRSORS VR Counselor vocational rehabilitation counselor for the blind; two vendors agreed upon by the ICBV Chair and by the Chair of the Selection Committee (in multi-vendor facilities, one of these shall be the lead
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vendor unless that is the position being bid). In the event an agreement cannot be reached by DHS and the ICBV Chair, each shall select a vendor.

1) Within 30 fifteen days after bids have been received by DHS, the Selection Committee shall meet and complete its part of the selection process.

2) The Chair shall provide an agenda to the Selection Committee, set the location for the interview, and ensure all relevant information and forms are available in an accessible format as required by the individual committee member, which includes:

A) a complete and signed Program Bid Application "Bid Application Form" for each appropriately certified applicant bidding on the facility;

B) when applicable, the most recent Annual Evaluation (IL488-2047) of each applicant prepared by the business consultant Business Counselor. If available, a written analysis of the criteria in subsection (d) of this Section, based on the applicant's previous 12 months periods, shall be included with the annual evaluation;

C) Profit and Loss statements from the preceding 12 months periods for each vendor bidding, or whatever portion is available;

D) if the applicant submits one, a written self-analysis of performance during the prior 12 months (this requirement is not mandatory but is highly desirable) periods;

E) the bid announcement for the facility;

F) Rating Forms (IL488-2049) for the Selection Committee members; and

G) a copy of proposed Selection Committee questions developed by Program staff and/or the Selection Committee.

3) The Selection Committee shall review this Section and the procedures for the Selection Committee, interview and score each applicant, and submit all completed Committee Member Rating Forms to the Chair of the
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Selection Committee.

4) The discussions held during a Selection Committee meeting shall be confidential, per (89 Ill. Adm. Code 505), and filed in a separate file. However, the Selection Committee's numerical ratings, without names or other identifying information, shall be made available to the applicants upon request, if there are more than two applicants. An individual's rating shall be made known to the individual upon request.

d) The Selection Committee shall assess the following criteria, as applicable to the facility. The criteria are not listed in priority order.

1) Customer Relations – the ability to relate to and communicate with customers in a positive manner;

2) Business Practices – use of good business practices set forth in Section 650.100;

3) Reliability – the extent to which the applicant carries out his/her facility responsibilities, in compliance with this Part;

4) Discipline – oral and written reprimands within the previous 12 months and suspensions imposed within the previous three years from the date the bid is due. Information from proposed disciplinary actions and grievances of those actions shall also be made available;

5) Mechanical Aptitude – the ability to operate and maintain the equipment at the current facility, as well as equipment at the facility to be awarded;

6) Handling Equipment Problems – the ability to determine and correct equipment failures in a timely manner;

7) Work Experience – the previous work experience in the Program, including the kinds of facilities at which the applicant has worked, and previous work experience outside the Program;

8) Employee Management Skills – the ability to supervise employees and other leadership abilities;
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9) Organizational Skills – the ability to plan, implement, and complete facility functions; 

10) Physical Stamina – the ability to meet the physical demands of the facility; 

11) Orientation and Mobility Skills – the ability to move about and function safely in and around the facility; 

12) Employee Replacement – the ability to locate and utilize temporary employees when necessary; 

13) Operational skills – whether or not operational standards (e.g. gross profit percentage, labor cost, menu preparation, customer services) were met in previous facilities; and 

14) Financial Management – sound fiscal management of facility assets (e.g., handling cash receipts correctly, preparing necessary financial reports, maintaining security of program assets). 

e) The facility shall be awarded to the applicant who is most qualified for that specific facility with the highest rating above 60% based upon the selection process as described in subsection (c)(2) of this Section. 

f) If more than one applicant has received the same score from the Selection Committee, seniority shall be used to award the bid. 

g) If the scores by the Selection Committee and seniority are equal, the licensed applicant who is not currently operating a facility will receive priority. 

h) If there is not a successful bidder (i.e., no bidder receives at least 60%), the facility will be re-bid. 

i) Any applicant who is dissatisfied by the bid award may appeal the decision under 89 Ill. Adm. Code 510. 

j) Within two days after the decision to award a facility, DHS will send the successful applicant a written offer of the facility and a Vendor Agreement for that facility. Within five days after receipt of the offer, the vendor must mail the signed Vendor Agreement.
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and a letter of acceptance to the supervisor. Within 10 days after receipt of the offer, the vendor must notify the supervisor of the date of resignation from the current facility; this date shall be no later than 40 days from the date of the written offer. Failure of the vendor to provide a date of resignation shall result in the effective day of resignation being the 40th day.

k) If the applicant does not accept the offer within five days after the written offer, the facility shall be offered to the next highest ranking applicant with a score of 60% or higher. Unsuccessful bidders shall be notified in writing within two days after the acceptance of the facility by the successful bidder.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.100 Business Practices

Vendors and graduates of training serving their probation shall be required to follow business practices set forth in this Section. Failure to comply with these business practices shall result in disciplinary action as contained within Section 650.110 and as shown for each practice.

a) The vendor shall maintain complete and current facility manuals at the facility. Failure to keep current and complete manuals shall result in an oral reprimand. These manuals shall include:

1) the Location Manual, which shall contain, at a minimum: commodities and equipment inventories, price lists, job descriptions, a security program developed by DHS and the vendor, the facility permit or contract, facility policies and procedures, and the vendor agreement; and

2) the Facility Reference Manual, which includes all written rules and regulations, procedures promulgated by DHS and/or the nominee agency, and any other documents listed in this Part or required to be included by DHS. Failure to keep current and complete manuals shall result in an oral reprimand.

b) All Program forms prescribed by DHS for recordkeeping purposes shall be accurately completed and submitted within established timelines. Each individual violation shall result in an oral reprimand.

c) The vendor shall adhere to all applicable State, county, and local health codes
as contained in the Sanitary Food Preparation Act [410 ILCS 650], and the Counties Code [55 ILCS 5/5-1115] and Department of Public Health Regulations (77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation Code), and 760 (Retail Food Stores Sanitation Code)) regarding personal hygiene. The vendor is also responsible for informing the facility employees of requirements and assuring compliance. Clean, professional attire shall be worn in all facilities. Violation shall result in a written reprimand.

d) Smoking, drinking, and eating by the vendor and employees shall be allowed only during break times established by the vendor in a written policy to be included in the Location Manual, and only in areas designated by the vendor in conformance with the facility contract or permit, and Department of Public Health Regulations, (77 Ill. Adm. Code 743.90 and 750.530 and the Smoke Free Illinois Act [410 ILCS 82]). Violation shall result in an oral reprimand.

e) The sanitation of the facility must comply with all applicable health codes, at a minimum, meet DHS facility program standards on the Sanitation and Safety Checklist (IL488-2050). To ensure compliance with these standards, a sanitation schedule shall be established by the vendor. This schedule shall be kept in the Location Manual and complied with by the vendor and all employees. Violation shall result in an oral reprimand.

f) The vendor shall inspect all merchandise checked into the facility for quality, quantity, damage, back order, price variances, and to assure storage in accordance with the Sanitation and Safety Checklist (IL488-2050). The vendor also shall coordinate all corrections in orders with purveyors to ensure proper credit and to ensure maintenance of facility profit margins. Evidence of violation shall result in an oral reprimand.

g) The vendor shall adhere to the facility contract or permit and any addenda (e.g., hours of operation, price constraints, menu selection). Violation shall result in a written reprimand.

h) The vendor shall maintain current and accurate records of product cost, complete product mixes and product price. Prices charged for products will be in accordance with the facility contract or permit. A current list of the inventory and a price list will be placed in the Location Manual. Violation shall result in an oral reprimand.
i) Payment for purchases of goods or services shall be made in a timely manner and carried out in accordance with accepted business practices and with purveyors' requirements. Violation shall result in a written reprimand.

j) Each vendor shall be responsible for all legally mandated and commonly accepted personnel practices (e.g., Department of Labor rules at (56 Ill. Adm. Code, Chapter I, Subchapter b, (“Regulation of Working Conditions”)) for employees of the facility. Violation shall result in an oral reprimand.

k) Consumption of alcoholic beverages or use of illegal drugs at the facility by a vendor or employee or working under the influence of alcohol or drugs is not permitted. Violation shall result in immediate suspension for three facility business days and/or corrective action.

l) No alcohol (except as used in service to the facility with the consent of the Operations Manager) or illegal drugs shall be allowed at a facility. Violation shall result in a written reprimand.

m) Facility money, product, equipment or Program assets shall not be removed from the facility by the vendor for personal use. (Program assets shall include inventory, merchandise and stock, and/or personal assets of another inventoried in manager.) A violation shall result in termination of license.

n) In facilities having cash registers, all sales and services must be recorded on the cash register at time of purchase. In all other facilities, all cash removed from each vending machine must be recorded on the facility's Vending Cash Out Sheet. The form shall be kept by the vendor either at the facility or producible upon request the next business day. Violation shall result in a written reprimand.

o) A facility shall not be closed during regularly scheduled business hours, except in cases of family or medical emergency or other natural emergencies (e.g., severe weather). Violation shall result in a written reprimand.

p) If the facility is closed because of the absence of the vendor for all or part of two consecutive business days, the vendor will be considered to have abandoned the facility (unless there was an emergency). Violation shall result in forfeiture of facility termination of license.
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q) Each vendor shall conduct himself/herself in a professional manner in contacts with building management (e.g., avoiding use of profane language, racist or sexist remarks, inappropriate gestures or physical contact). Violation shall result in an oral reprimand.

r) A vendor is responsible for maintaining the security of the facility, including the service area, storage areas, machines, product and cash, and shall be responsible for leaving the facility at that level of security. Violation shall result in a written reprimand.

s) The vendor must maintain a professional attitude and demeanor toward customers and the public at all times. Violation shall result in an oral reprimand.

t) A vendor is responsible for the conduct of his/her employees and must ensure they are aware of and adhere to these business practices. The vendor is responsible for correcting actions of an employee and enforcing the business practices where they apply to the employee. Violation shall result in an oral reprimand.

u) A vendor is responsible for all appropriate payments for local, state and federal taxes, and fees (if applicable), related to sales and to the employees at the facility to which he or she is assigned. Violation shall result in a written or oral reprimand.

v) A vendor shall devote full time, a minimum of 37.5 hours per week, to the business of the facility, carrying out assigned activities, responsibilities and relationships in accordance with this Part. Violation shall result in an oral reprimand.

w) A vendor shall seriously consider advice presented by the business consultant or other personnel employed by DHS or the nominee agency. Violation shall result in an oral reprimand.

x) A vendor must maintain all facility financial accounts in such a manner that assures no interruption of service and that all funds, including program assets and the vendor’s working capital, are balanced at the end of each fiscal reporting period for that facility. Violation shall result in a written reprimand.

y) A vendor shall operate the facility in a manner that avoids the repeated
violation of a variety of business practices listed above. Violation shall result in a written reprimand, in addition to the consequences of the other business practice violation.

z) Under Illinois law, it is a crime to eavesdrop/record a conversation without consent of all of the parties [720 ILCS 5/14]. The crime, for first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.110 Disciplinary Procedures for Vendors

a) Disciplinary actions shall include the following:

1) oral reprimand;

2) written reprimand;

3) suspension;

4) loss of facility and

5) termination of license.

b) Any time discipline is imposed, the vendor shall be advised of the right to grieve under Section 650.130.

c) Oral Reprimand

1) An oral reprimand is a discussion, in person or by telephone, involving between the vendor, the lead vendor, in a multi-vendor facility, business consultant, counselor, and/or the DHS Supervisor of Personnel and Training Support Services. An oral reprimand must occur within five days after any Program staff member’s or lead vendor’s (in the case of a multi-vendor facility reprimand by a lead vendor) knowledge of an incident that occurred within the last 30 days. The oral reprimand shall identify the rules or policy violated, corrective action, and the consequences of repeated violations. An oral reprimand shall be used for the first violation of the rules contained within this Part,
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with the exception of Section 650.100(c), (g), (i), (k), (l), (m), (n), (o), (p),
(r), and (y).

2) The discussion shall be identified to the vendor as an oral reprimand, and
shall advise the vendor shall be advised that a rule has been violated and
what corrective action is necessary.

3) The person giving the oral reprimand shall send a written report to the
supervisor that shall include the time and date of violation, nature of the violation, corrective measures required, the date of
the oral reprimand, the vendor's comments and the vendor's signature. A copy shall also be provided to the vendor. The supervisor shall, within 10 days after receipt, review the written report.

A) If the supervisor is in agreement with the written report, he or she shall place a copy of this report in a working file on discipline; however, the vendor's permanent personnel file shall not contain any reference to the reprimand.

B) If the supervisor does not agree with the oral reprimand, the report will be returned to the vendor.

C) The working file on discipline shall be available for the vendor's review and shall be subject to DHS rules on confidentiality (89 Ill. Adm. Code 505).

D) An oral reprimand in the working file on discipline shall be destroyed one year after its date, if no repeat of that violation occurs.

4) Action resulting in an oral reprimand is not corrected may be the basis for a written reprimand.

d) Written Reprimand

1) A written reprimand shall be issued for a second violation of a rule contained in this Part following an oral reprimand for the same business practice violation. Written reprimands are also issued for the violation of a health code or location permit or contract, or violation of business
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practices set forth in Section 650.100(c), (g), (i), (l), (n), (o), (r), (x), and (y).

2) Within 10 days after the supervisor's knowledge of the violation, provided the violation has occurred within the past 60 days, the supervisor shall prepare a written reprimand. The written reprimand shall be sent to the vendor's mailing address by certified mail, return receipt requested, or delivered in person by Program staff with a signed receipt to be returned to DHS.

3) The Supervisor, or in his/her absence the Supervisor of Support Services, shall prepare a written reprimand that:

A) outlines the events leading to the reprimand;

B) explains the violation of the rules (89 Ill. Adm. Code 650);

C) reviews any existing prior oral reprimands for similar offenses;

D) states all known facts about the present violation, including the names of all known witnesses;

E) details the disciplinary consequences of continued offenses as set forth in this Section;

F) indicates the steps the vendor should take to correct the situation;

G) states the vendor's right to grieve as set forth in Section 650.130.

4) A copy of the written reprimand shall be placed in the vendor's permanent personnel file. One year from the date of reprimand, the reprimand shall be removed from the vendor's personnel file and sent to the vendor.

e) Suspension

1) Suspension shall be imposed either when a violation is repeated within a year after the date of the written reprimand or when an immediate suspension is warranted pursuant to subsection (e)(5) of this Section. The Administrator shall determine if suspension is warranted and, if so,
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the length of the suspension based on subsection (e)(3) of this Section, and the effective date of the suspension.

2) If a vendor is suspended, the facility shall be operated by a replacement person. If the suspension is for more than six facility business days, an immediate inventory of all stock, equipment, and documents shall be taken, or directed to be taken, by DHS and recorded. If the suspension is for six facility business days or less, the vendor shall be assessed the daily average amount of income before set aside for the last three months or the cost of replacement labor, whichever is greater.

3) The first suspension for any violation shall be for up to 20 facility business days. If the violation is repeated within one year of the ending date of the first suspension, the second suspension shall be for up to 40 facility business days. If a vendor receives more than two suspensions for any reason during a three-year period, the third and subsequent suspensions shall be for 40 facility business days each.

4) Notices of Suspension shall be sent to the vendor, at his or her last known address, by certified mail, return receipt requested or delivered in person by Program staff with a signed receipt to be returned to DHS. The Notice of Suspension shall state the effective date, the basis for the suspension, and the length of the suspension.

5) An immediate suspension of three facility business days shall be imposed without notice pursuant to subsection (e)(4) of this Section by the Supervisor if the vendor's continued presence could be a direct threat to self, others, property, or the loss of the facility (e.g., fighting with customers, being under the influence of drugs or alcohol, disorderly conduct, using profane language with customers) or if necessary to investigate charges of misconduct. This discipline may be grieved pursuant to Section 650.130 and, if the decision favors the vendor, the vendor shall be reimbursed the costs of replacement labor.

f) Loss of Facility

1) A vendor shall lose the facility if one of the following occurs:

A) the vendor receives three suspensions that have not been
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overturned; for any reason in a two-year period;

B) the vendor receives two suspensions that have not been overturned for violation of the business practice in Section 650.100(q) in a two-year period;

C) failure to return from leave per (see Section 650.150);

D) the building manager states in writing that the account with the facility will be lost if the vendor remains at the facility or

E) the vendor or graduate of training falsifies his or her Bid Application Form (IL488-2048) or any material used by or submitted to the Selection Committee.

2) If for two consecutive periods the gross profit (i.e., the ratio of cost of goods to net sales) of the assigned facility is more than 10% below the projected average, or the average profit percentage is more than 8% below the projected average for four consecutive periods, DHS will observe the facility’s operations to determine the cause of the failure to meet projections. If it is determined the vendor is at fault, DHS will make written recommendations to improve the actual gross profit percentage. If after two more periods the facility is not within three percentage points of the projected goal, the vendor shall lose the facility.

3) The loss of a facility by a vendor shall not restrict the vendor from bidding on another facility, but he or she shall not be awarded the same facility.

g) Termination of License

1) A license shall terminate, without further notice, when:

A) a vendor notifies DHS in writing that he or she has withdrawn from the Program;

B) a vendor experiences an improvement of vision above the definition of legal blindness in pursuant to Section 650.50(a);
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C) the vendor has an illness with a medically documented diagnosis that the vendor is incapable of operating a facility;

D) the vendor fails to notify DHS of a change of address and the vendor has had no contact with DHS for one year;

E) the vendor abandons a facility with no notice to DHS, as described by Section 650.100(p);

F) the vendor uses Program assets (facility income, equipment, stock, or money) for personal use (e.g., paying personal bills, buying personal property, taking stock or equipment home);

G) the vendor has lost two facilities within five years as described in accordance with subsection (f)(1)(D) of this Section; or

H) the vendor is convicted of a felony.

2) An individual must wait two years from the effective date of license termination before applying for readmission to the Program in accordance with Sections 650.50 and 650.60. All seniority rights shall be lost at the time of the license termination and shall not be reinstated.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.120 Disciplinary Procedures for VR Customers in Initial Training

a) Trainees who are receiving initial training and vendors receiving retraining in the classroom or at an on-the-job training site shall be disciplined as set out in this Section for violating a rule of conduct. Any VR customer dissatisfied with any action by the Department may utilize the Client Assistance Program (CAP) and may grieve the action. Documentation of discipline shall be kept in the individual's personnel file.

b) A trainee wishing to appeal discipline may do so under Section 650.130.

A vendor wishing to appeal discipline may do so under Section 650.130.

b) A trainee wishing to appeal discipline may do so under Section 650.130.

c) The following actions shall begin with the discipline shown and progress as follows: oral reprimand or written reprimand, suspension from training for one
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day and termination from training.

1) Leaving training during scheduled hours without permission. Oral reprimand.

2) Sleeping during training. Oral reprimand.


4) Failing to request a scheduled absence (e.g., scheduled doctor's appointment, family obligation, transportation problems) 24 hours in advance from the Training Director or designee. Oral reprimand.


6) Failing to notify the Training staff by 7:00 a.m. one day before the scheduled starting time of the inability to attend on-the-job training. Oral reprimand.

7) Failing to notify the Training staff before the scheduled starting time of the inability to attend classroom training. Oral reprimand.

8) Failing to wear the uniform provided during training. Oral reprimand.

9) Eating, drinking or smoking in class or outside designated areas. Oral reprimand.

10) Disregarding safety or sanitation practices (e.g., failing to report unsafe equipment, removing machine parts without approval). Oral reprimand.

11) Using training equipment, machines or training telephones without specific approval from the Training Director or designee. Oral reprimand.

12) Excessive absenteeism or tardiness (e.g., more than two unscheduled absences or reporting tardy more than three times). Written reprimand.
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13) Unprofessional conduct (e.g., use of profane language, racist or sexist remarks, unwelcome sexual advances, verbal or physical conduct of a sexual nature). Written reprimand.

14) Cheating on tests. Written reprimand.

15) Damaging Program property through failure to exercise proper care. Oral reprimand.

d) The following actions shall result in termination from training:

1) Theft.

2) Consuming or possessing alcoholic beverages or illegal substances or working under the influence of alcohol or illegal substances during training.

3) Inappropriate behavior that disrupts training or on-the-job training (e.g., fighting, gambling, conducting a lottery, tardiness continues after a written reprimand).

4) Inflicting or attempting to inflict harm upon the person or property of another.

5) Misrepresenting or withholding information on the Employment Verification form (I-9) or the referral packet.

6) Failing or refusing to follow instructions or complete assigned objectives in a timely fashion in any area of training and on-the-job training.

7) Possessing a dangerous weapon during training (e.g., a knife with a blade longer than two inches).

8) Threatening, coercing or interfering with a trainee, DHS employee, vendor or customer.

9) Three unexplained absences.

10) Cheating in the final examination.
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11) Altering or willfully destroying Program records, files or property.

e) Oral and written reprimands shall be imposed pursuant to Section 650.110 by a member of the training staff. If possible, another staff member as well as the VR counselor, if available, should be present when discipline is imposed.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.130 Grievance Procedures for Vendors

a) Dissatisfaction of a vendor with any DHS action arising from the administration of the Program shall be appealed pursuant to 89 Ill. Adm. Code 510. A vendor may.grieve discipline pursuant to the following procedures for Level I (Administrative Reviews) and Level II (Evidentiary Hearings). The action of grieving a suspension, not including an immediate suspension, to Level I or Level II shall stay the imposition of the discipline until the administrative remedies within DHS have been exhausted. A Level I Hearing is optional; a vendor may choose to go directly to a Level II Hearing and follow the procedures in subsection (c)(2) of this Section. A suspension shall be grieved by appealing directly to Level II.

b) Level I (Administrative Review)

In order to grieve an oral or written reprimand imposed pursuant to Section 650.110, DHS must receive a request for a Level I Hearing within 15 days after the date of receipt of notification that discipline is to be imposed. The vendor shall give notice in writing by certified mail to the Administrator, which notice shall state the reason for the grievance and the remedy being sought.

1) If the grievance is timely, the Administrator or designee shall, within five days, notify the vendor by certified mail of the time and place of the Level I Hearing, to be held between 10 and 15 days after receipt of the vendor's notice at the Springfield Administrative office of DHS. The Administrator, or designee, and vendor shall meet and attempt to resolve the grievance to their mutual satisfaction.

2) Within 10 days after the adjournment of the meeting, the Administrator shall send the vendor a letter by certified mail stating DHS' position and summarizing the results of the hearing. The letter must cite:
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A) a statement of the basis upon which the decision was made;

B) the applicable laws, rules, regulations and policies used;

C) the name and address of the DHS Hearings Coordinator; and

D) a statement that, if the vendor is dissatisfied with the decision, a request for a Level II Hearing must be received by the Hearings Coordinator within 15 days from the date of receipt of the Level I Hearing decision notice. The request shall be in writing, be addressed to the DHS Hearings Coordinator at 100 South Grand Avenue East, 3rd Floor, P.O. Box 19429, Springfield, Illinois 62710, and shall contain the reason for the Level II Hearing, and propose four acceptable dates for the hearing, which dates shall be within 20 days after the request.

c) Level II (Evidentiary Hearing)

1) If the vendor requests a review of an action where there has been no Level I Hearing, the request for a Level II Hearing must be received by the DHS Hearings Coordinator within 15 days after the date of notification that discipline is to be imposed. The request shall also propose four acceptable dates for the hearing, which dates shall be within 20 days after the request.

2) If the vendor has chosen to have a Level I Hearing and then requests a Level II Hearing, the Hearing Officer at the Level II Hearing shall review only those issues presented by the vendor or which are material and related to those presented in the Level I Hearing.

3) Within 5 days after receipt of the request, the DHS Hearings Coordinator shall select one of the offered dates and notify the vendor by certified mail of the date and place for the Level II Hearing, stating the Hearing Officer's name and address, and informing the grievant of all rights accorded pursuant to this Part.

4) DHS shall be represented by the Administrator or designee, who may be assisted by other staff, including the DHS legal counsel.
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5) At least three days prior to the hearing, the vendor and the Administrator must provide each other and the Hearing Officer with a list of witnesses and copies of documents not in the possession of the other party.

6) The following is the order of proceedings:
   
   A) presentation, argument and disposition of all preliminary motions and matters;
   
   B) opening statements;
   
   C) evidence presented by the vendor;
   
   D) evidence presented by DHS;
   
   E) rebuttal by either or both sides; and
   
   F) closing statements.

7) The vendor and DHS are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination of witnesses as may be required for disclosure of all facts bearing on the issues.

8) The Hearing Officer
   
   A) The Level II Hearing shall be heard by an Impartial Hearing Officer appointed by the Hearing Coordinator from a list maintained by him/her.

   B) The qualifications for a hearing officer are:

   i) impartiality

   ii) an understanding of the applicable rules (89 Ill. Adm. Code 650)

   iii) the ability to preside over the evidentiary hearing and
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iv) the ability to reach a recommendation based upon the facts presented at the evidentiary hearing and the applicable rules.

9) The Hearing Officer has the power to:

A) control the conduct of the hearing to prevent irrelevant or immaterial discussion;

B) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, admissibility of evidence; and

C) require the parties, in an agreed upon time frame, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence, including, but not limited to, the production of any and all documents, books, papers and accounts the Hearing Officer deems pertinent or relevant to any issue.

10) Any relevant evidence presented that which is of a type commonly relied upon by reasonably prudent individuals may be admissible, i.e., any information not presented in the hearings previously that which pertains to the issues raised in the grievance and has been made available to both parties within the agreed upon time.

11) DHS will make an audio tape recording of the proceedings and will provide the vendor with one copy, upon request, at no cost. Upon request by a vendor, a Braille or large print transcript will be provided at no cost.

12) The record of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.

13) The Decision

A) Within 15 days after the hearing is adjourned, the Hearing Officer shall provide a recommendation to the Associate Director of DHS-
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**DRSORS.** The recommendation of the Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing; the applicable provisions in law and regulation; and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and the bases for those findings and conclusions.

B) The recommendation may also set forth any remedial action necessary to resolve operational problems of the Program.

C) The Associate-Director of DHS-DRSORS shall make a decision as to the disciplinary action to be taken within 15 days after receipt of the recommendations. The Associate-Director's decision shall state the principal issues and relevant facts brought out at the hearing, pertinent provisions in law, regulation and Program procedures, the reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education pursuant to 34 CFR 395.13. A copy of the Hearing Officer's recommendations shall be attached to the Associate-Director's letter. The Associate Director shall send copies of the decision by certified mail to the Hearing Officer, the vendor and his or her personal representative, and to the Administrator.

D) If the vendor is dissatisfied with the decision rendered after a Level II Hearing, the vendor may request, within 15 days after the receipt of such decision, that an arbitration panel be convened by filing a complaint with the Secretary of the United States Department of Education, as authorized by Section 5(a) of the Randolph-Sheppard Vending Stand Act (20 USC 107 et seq.) and 34 CFR 395.13 (1988).

d) General Provisions for Level I and II Hearings

1) A vendor may only designate one personal representative at any one time. DHS and the Hearing Officer must be notified by the vendor of the appointment of a representative by filing, at least no later than three days in advance of a hearing, a notice of appearance stating the representative's name, address and telephone number, identifying the vendor.
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represented, and signed by the vendor.

2) Grievances by any party not directly aggrieved by the discipline cannot be heard by DHS pursuant to this Part.

3) The vendor may request a reader, which DHS shall provide at its expense if it is necessary. Either Braille, large print or audio material, at the vendor's request, will be used as required.

4) All meetings with the vendor pursuant to this Section must occur at a time and location convenient to both parties.

5) All proceedings pursuant to this Section are to be confidential and not open to the general public unless requested to be so by the vendor.

6) DHS will assume the administrative costs of the appeals, e.g., reader and court reporter/transcription, but not costs personally incurred by the vendor because of the proceedings, e.g., legal fees, travel, witness costs, and room and board.

e) Vendor's Rights Regarding a Grievance

After a request for a hearing is received by DHS, the vendor must be informed of the right to:

1) review his or her file and other related documents, with the exception of information submitted under Section 650.90 and confidential information;

2) be represented by a personal representative who has filed a notice of appearance with DHS;

3) an explanation of the grievance process as set forth in this Section;

4) request a reader;

5) withdraw the grievance at any time during the process, in which case the vendor cannot request a reopening of the grievance;

6) a timely and impartial hearing;
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7) decline to appear for a Level I or II Hearing, in which case a review of the case file and any new written information or evidence submitted by the grievant shall be examined and a decision made based on that review by the Hearing Officer;

8) confidentiality of the proceedings as set forth in 89 Ill. Adm. Code 505.10; and

9) have DHS employees directly involved in the appealed action present at the hearings, and to question them. However, if the employee is no longer employed by DHS and declines to attend the hearing after DHS has made a reasonable attempt to secure his or her attendance, the person most knowledgeable about the case shall attend.

f) DHS Rights Regarding a Grievance
DHS has the right to:

1) refuse to hear grievances if not timely filed;

2) have a DHS attorney present;

3) cooperation by the vendor (e.g., responding to Hearing Officer hearing questions, adhering to time frames provided in this Section);

4) publish hearing summaries, with deletions as necessary to ensure a vendor's confidentiality; and

5) consolidate for hearing all issues related to a vendor or to several vendors out of the same set of facts and circumstances.

g) Conduct of the Hearings

1) A hearing shall not be adjourned until the Administrator or Hearing Officer is satisfied that all facts needed for a decision have been presented.

2) Only evidence bearing directly on the issue under review may be introduced; only evidence that which has been made available to the other party may be considered by the Administrator or Hearing Officer.
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3) It is DHS' responsibility to prove that a violation occurred. If the Hearing Officer determines that DHS failed to prove that a violation occurred, based on evidence and a review of applicable law and regulations, he or she may direct that the disciplinary action being grieved be removed from the vendor's file.

4) All parties involved in the hearing must avoid undue delay caused by repetitive continuances so that the subject matter of the hearing may be resolved expeditiously. A hearing may, for good cause shown (e.g., illness of a vendor or witness, crisis at a facility, severe weather), be continued by the Administrator or Hearing Officer. Notice of the request must be given in writing to the other party and to the Hearing Officer no less than 5 days prior to the scheduled hearing date (in the absence of an emergency).

h) Use of the Record

1) Upon completion of the hearing, all records, recommendations, orders, and attached materials shall be placed in a permanent file. This file shall be confidential and only those DHS officials involved in the disciplinary process shall have access to them. In future cases, the legal representative of a vendor may examine the files, but only after the names, addresses, and identifying characteristics of any vendors involved have been removed.

2) The Associate Director of DHS-DRS reserves the right to submit the record of the Level II Hearing to the appropriate State or federal officials, together with a request that action be taken, if the record discloses that illegal conduct relating to the operation of the facility may have occurred.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 650.140 Set-Aside Funds

a) The collection of set-aside funds shall be based on a schedule of assessment on net proceeds from each facility, including direct or commission income from vending machines assigned to the facility.
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b) DHS may authorize the nominee agency to collect set-aside funds that accrue to DHS from an assessment against the net proceeds of a facility. Such charges shall be determined for use as specified in 34 CFR 395.9 (1988).

(Source: Amended at 33 Ill. Reg. _____, effective ____________)

Section 650.150 Leaves of Absence

a) Medical Leaves

1) Medical leaves of five facility business days or less do not require medical documentation; however, the vendor is responsible for ensuring that a trained replacement is operating at the facility.

2) Medical leaves of over five facility business days will only be granted if the vendor provides medical documentation to the Supervisor prior to the leave, except in emergency (e.g., personal or family illness, death of family member). The documentation shall consist of a statement from the attending physician explaining the vendor's medical condition and verifying the need for a leave and the length, if known. In the event of a medical emergency that precludes advance notice to the Supervisor, documentation of the illness must be provided to the Supervisor within 15 days after the emergency occurred. Leaves may not end until a medical statement is received by the Supervisor stating that the vendor's return to work is not medically contraindicated.

3) Medical leaves shall be granted for no more than one year six months. If after six months the vendor is unable to return to the facility, additional verification shall be obtained from a physician. If after one year a vendor is unable to return to the facility, an inventory of property and stock shall be made and the facility reassigned as provided in Section 650.90.

4) When a medical leave is granted, the vendor has the option of retaining management of the facility or temporarily transferring the management of the facility to DHS-DRSORS, subject to the following:

A) If the vendor retains management of the facility, he or she will receive the net income from the assigned facility during the leave
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of absence. The replacement person must be approved by the Supervisor or designee.

B) If the vendor chooses to temporarily transfer management of the facility, an inventory of facility property and stock shall be taken at the time that the medical leave begins, and a temporary person will be assigned to the facility by DHS. Any profits or losses accrue to or are covered from set aside.

5) Should a vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his or her facility, the supervisor, using best business judgment, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months, after which the provisions of subsection (a)(3) of this Section take effect. Operation of the facility will be returned to the vendor upon a physician's written verification stating that the vendor is able to make a decision regarding operation of the facility and that the vendor is able to return without limitations that would impede the vendor's ability to manage and operate the facility. If the physician's written verification states the vendor has limitations, but is able to return to manage and operate the facility with reasonable accommodations, then a request for such accommodations will be reviewed by the Business Enterprise Program for the Blind and a determination will be rendered. Under no circumstances shall the reasonable accommodation be an individual who acts as a permanent replacement for the vendor in the management and operation of the facility.

b) Personal Leaves

1) A vendor may take up to a total of 15 days of personal leave in any one calendar year.

A) If a vendor takes up to four consecutive days of personal leave at one time, it does not require prior notification to the Supervisor. However, the vendor must provide a trained replacement person.

B) If a vendor takes more than four consecutive days of personal
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leave at any one time, it requires five days prior notification to the supervisor. The vendor shall provide a trained replacement person.

C) A vendor may not take more than 15 days of personal leave in any one calendar year, unless the vendor obtains prior written approval of the Supervisor. The vendor shall provide a trained replacement person.

2) Notification to a supervisor regarding personal leave shall contain the name of the trained replacement and, when possible, a telephone number and address where the vendor can be located during the leave.

3) The supervisor has the right to negotiate a different starting date for the leave based on the availability of a trained replacement.

4) During a personal leave, the vendor shall retain management of his or her location and its net income.

5) The replacement selected by the vendor shall be reviewed by the supervisor, or designee, based upon the replacement's abilities to manage the facility as demonstrated by previous experience, and also meet the stipulations of the facility contract. If the supervisor or designee has questions about the replacement person, he or she shall discuss them with the vendor.

6) If the vendor fails to return to the facility upon completion of the leave or fails to obtain prior approval from the supervisor for an extension, DHS will attempt to contact the vendor by telephone. If no response is received by the second business day, the provisions of Section 650.110(f)(1) shall become effective.

(Source: Amended at 33 Ill. Reg. _______, effective ____________)

Section 650.160 Vending Facilities in Rest Area

a) Vendors with facilities located in rest areas in accordance with 92 Ill. Adm. Code 534, shall be responsible for all utility costs associated with the business. These
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utility costs shall be considered a business expense of the facility.

b) The vendor is responsible for maintaining security within his or her own vending facility (e.g., securely locking vending machines).

c) The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability $500,000/1 million, property damage $50,000/100,000 and food products liability $500,000/1 million.

d) It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall be furnished to the vendors by DHS. These cards shall be returned to DHS by the customer at an address specified by DHS on the card. DHS shall contact the vendors, who will be responsible for refunding the money to the customer.

e) Whenever more than one complaint a day regarding the quality of services or goods, the activities of the vendor or return of lost monies at rest areas is made to DHS by vending customers, the vendor must make improvements in vending operations to reduce complaints to below the occurrence of one per day.

(Source: Amended at 33 Ill. Reg. _______, effective ___________)
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NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Medical Payment

2) **Code Citation**: 89 Ill. Adm. Code 140

3) **Section Numbers**: Adopted Action:
   - 140.414 Amendment
   - 140.422 Amendment
   - 140.427 Amendment
   - 140.443 Amendment

4) **Statutory Authority**: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date of Amendments**: April 29, 2009

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 1, 2009; 33 Ill. Reg. 19

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences Between Proposal and Final Version**: None

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this rulemaking replace any emergency amendments currently in effect?** No. An emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, expired on April 10, 2009.

14) **Are there any other amendments pending on this Part?** Yes

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15) Summary and Purpose of Amendments: At its May 20, 2008 meeting, JCAR objected to and suspended the original peremptory amendments, effective April 1, 2008, on the grounds it was an unauthorized use of peremptory rulemaking. The objection and suspension appeared at 32 Ill. Reg. 8449 and took effect on May 21, 2008. At its November 12th meeting, JCAR voted to withdraw the suspension (see 32 Ill. Reg. 18323) contingent upon HFS filing an emergency repeal of the peremptory amendments. The emergency repeal appeared at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 day (emergency expired on April 10, 2009). This adopted rulemaking makes the repeal of the peremptory amendments permanent.

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

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  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
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians

For the purpose of this section, "prescriber" shall mean any person who within the scope of their professional licensing requirements may prescribe or dispense drugs.

a) Prescriptions

1) A physician prescriber may prescribe any pharmacy item not otherwise excluded which, in the physician’s prescriber’s of any drug except as
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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outlined in 140.442(a)(9) professional judgment, is essential for the diagnosis or accepted treatment of a recipient's present symptoms. The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in its Drug Manual (Section 140.72) of any drug except as outlined in 140.442(a)(9).

2) The physician shall:

A) Use his own tamper-resistant prescription form as defined at 140.443(b)(2), for non-electronic prescriptions. Non-electronic prescriptions are defined at 140.443(b)(1). In addition, the prescriber shall ensure the prescription form is compliant with all federal and state laws and regulations regarding prescriptions for controlled substances (or the official form required by law for the prescription of controlled substances); and

B) Enter on the form the following information at a minimum:

i) Recipient's name

ii) Date,

iii) Name of pharmacy item prescribed,

iv) Form and strength or potency of drug (or size of non-drug items),

v) Quantity,

vi) Directions for use,

vii) Refill directions,

viii) Legible signature in ink, and
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ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for physicians who do not have a DEA number)

i) Drug Enforcement Administration (DEA) Number; or

ii) National Provider Identifier (NPI); or

iii) Medical Assistance Program Provider Number; or

iv) Illinois State License Number.

3) The Physician prescriber shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the physician's office.

4) Items which shall not be prescribed are listed in Sections 140.440 through 140.450 as pharmaceutical services which are not covered by the Department: 140.441.

A) Anorectic drugs or combinations including such drugs;

B) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

C) Any vaccine, drug, or serum which is provided primarily for preventive purposes; e.g. influenza vaccine;

D) Vitamin B12 or liver extract except for patients with macrocytic anemia, e.g. pernicious anemia, the diagnosis of which is established on the basis of hemotological studies;

E) Injectable drugs, when equally effective oral preparations are available;

F) Items such as dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, articles of clothing or cosmetics of any type, proprietary food supplements or substitutes, sugar or salt
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substitutes, or household products; and

G) Infant formula, except for infant requiring a non-milk base product because of an allergic reaction to the usual infant products; and

H) Drugs that are classified by the Food and Drug Administration as ineffective or unsafe in a final order.

b) Dispensed Items

1) A participating physician prescriber may dispense pharmacy items listed in the Drug Manual (Section 140.72). The physician prescriber shall not charge for any samples dispensed or anesthesia agents administered for office surgical procedures. 2) The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the physician prescriber for the item, plus 20% of the cost when itemized. The Department will pay a maximum of $1.00 for unitemized items.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009)

Section 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)

a) Prescriptions

1) A dentist may prescribe within the scope of the practice of dentistry, any pharmacy item not otherwise excluded, which in the dentist's professional judgment, is essential for the diagnosis or accepted treatment of a recipient's presenting symptoms. The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in its Drug Manual. Approval will be given if the item or quantity is determined appropriate for the condition to be treated in the judgment of a consulting dentist of the Department. Drugs shall be added to or removed from the Drug Manual (Section 140.72) on
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the basis of the Department's evaluation of changes in the listing of drugs recommended by the Committee on Drugs and Therapeutics of the Illinois State Medical Society. The Department evaluation shall include an assessment of the therapeutic value and cost impact. (See Sections 140.440 through 140.450 for covered pharmacy items).

2) The dentist shall:

A) Use his own prescription form (or the official form required by law for the prescription of controlled substances); and

B) Enter on the form the following information at a minimum:

i) Recipient's name,

ii) Date,

iii) Name of pharmacy item prescribed,

iv) Form and strength or potency of drug (or size of non-drug item),

v) Quantity,

vi) Directions for use,

vii) Refill directions,

viii) Legible signature in ink, and

ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for dentists who do not have DEA Number).

3) The dentist shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the dentist's office.

b) Dispensed Items

A dentist may dispense pharmacy items listed in the Drug Manual (Section
140.72). The dentist shall not charge for any samples dispensed or local anesthesia agents administered for office surgical procedures. The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the dentist for the item, plus 20% of the cost, when itemized. The Department will pay a maximum of $1.00 for unitemized items.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009)

Section 140.427 Requirements for Prescriptions and Dispensing Of Pharmacy Items – Podiatry (Repealed)

a) Prescriptions

1) A podiatrist may prescribe within the scope of the practice of podiatry, any pharmacy item not otherwise excluded, which in the podiatrist's professional judgement, is essential for the diagnosis or accepted treatment of a recipient's presenting symptoms. The Department shall require prior approval for the prescription of any items not excluded and not listed, or in excess of the quantities listed, in the Department Drug Manual (Section 140.72). (See Sections 140.440 through 140.450 for covered pharmacy items.)

2) The podiatrist shall:

A) Use his own prescription form (or the official from required by law for the prescription of controlled substances); and

B) Enter on the for the following information at a minimum:

i) Recipient's name,

ii) Date.
iii) Name of pharmacy item prescribed.

iv) Form and strength or potency of drug (or size of non-drug item).

v) Quantity.

vi) Directions for use.

vii) Refill directions.

viii) Legible signature in ink, and

ix) Drug Enforcement Administration (DEA) Number or Social Security Number (for podiatrists who do not have DEA Number).

3) The podiatrist shall not charge for writing a prescription and shall not write prescriptions for injectables which are given in the podiatrist's office.

b) Dispensed Items

Dispensed items A podiatrist may dispense pharmacy items listed in the Drug Manual (Section 140.72). The podiatrist shall not charge for any samples dispensed or local anesthesia agents administered for office surgical procedures. The Department shall pay for items dispensed in an emergency or when not readily available from a pharmacy at the rate of the cost to the podiatrist for the item, plus 20% of the cost, when itemized. When not itemized, payment shall be made in the amount of $1.00.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009)

Section 140.443 Filling of Prescriptions

a) The prescription form (or the official form required by law for the prescribing of
controlled substances) must contain the following information at a minimum required under federal and state laws and regulations, and also contain the prescriber's:

1) Recipient's name;
2) Date;
3) Name of pharmacy item being prescribed;
4) Form and strength or potency of drug (or size of non-drug item);
5) Quantity;
6) Directions for use;
7) Refill directions;
8) Legible signature of practitioner in ink; and
9) Drug Enforcement Administration (DEA) Number or the Social Security Number (for those practitioners who do not have a DEA Number).

1) Drug Enforcement Administration (DEA) Number; or
2) National Provider Indentifier (NPI); or
3) Medical Assistance Program Provider Number; or
4) Illinois State License Number.

b) To the extent required by federal law, effective with new prescriptions executed on or after April 1, 2008, for clients covered under Title XIX of the Social Security Act, a non-electronic prescription must be written on tamper-resistant prescription pad to be eligible for reimbursement. This requirement applies to all prescriptions regardless of whether the Department is the primary payor.

1) Non-electronic prescriptions are prescriptions that are not transmitted from the prescriber to the pharmacy via telephone, telefax, electronic
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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prescribing (e-prescribing) mechanism, or other means of electronic transmission.

2) Effective April 1, 2008, a prescription form is considered tamper-resistant when it contains any of the following characteristics and, effective October 1, 2008, to be considered tamper-resistant, a prescription form must contain all of the following characteristics:

A) one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank form;

B) one or more industry-recognized features to prevent the erasure or modification of information written on the prescription by the prescriber;

C) one or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

3) If a patient presents at a pharmacy with a prescription written on a prescription pad that is not tamper resistant, and the pharmacist contacts the prescriber via telephone, telefax, or other electronic communication device, and the prescriber verifies the validity of the prescription, the prescription is then considered "electronic" and, therefore, exempt from the requirement that the prescription be written on a tamper-resistant pad. In such cases, the pharmacist shall note on the original prescription that the prescriber was contacted and the prescriber verified the validity of the prescription.

4) If a patient presents at a pharmacy with a non-electronic prescription written on a pad that is not tamper-resistant and the pharmacist is unable to contact the prescriber to verify the validity of the prescription and the pharmacist, in using his or her professional judgment, determines that not filling the prescription poses a health risk to the patient, the pharmacist may fill the prescription and the Department will reimburse for the prescription, provided that the patient is eligible for coverage of the drug and provided that the drug is covered by the Department. The pharmacist must obtain from the prescriber a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled.
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b) Pharmacies shall not accept blank, presigned prescription forms.

c) If a drug is available by generic name and the identical drug is prescribed by trade name, payment will be based on cost of the generic product unless prior authorization has been obtained for reimbursement based upon the innovator product, or unless the Department determines that the innovator product, reimbursed at the brand name pricing methodology, is more cost effective than the generic equivalent.

d) The Department shall not pay for dispensed items in excess of the maximum quantity established by the Department, unless prior approval has been granted to dispense an amount in excess of the maximum. The Department shall pay for no more than one month's supply of the item dispensed.

e) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law.

f) Pharmacies may use a unit dose system in the dispensing of drugs when such a system is in compliance with all applicable State and Federal laws. The total quantity dispensed on one prescription cannot exceed the quantity prescribed or the maximum allowable quantity.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009)
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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing

2) Code Citation: 11 Ill. Adm. Code 502

3) Section Numbers: Adopted Action:
   502.10  Amend
   502.30  Amend
   502.200 Amend
   502.235 Amend
   502.650 Amend

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: May 1, 2009

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: 33 Ill. Reg. 1435; January 23, 2009

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Section 502.30(a)(2) – Changed "$15 – assistant trainer, and assistant veterinarian and animal health technician" to "$15 – assistant trainer and veterinarian's assistant veterinarian".

   Section 502.650 – Changed "If possession of those items or services within the race track enclosure is not prohibited by the Board's rules, the State Veterinarian shall approve the list." to "If possession of those items or services within the race track enclosure is not prohibited by the Board's rules, the State Veterinarian shall approve the list annually."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
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13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is amended to: add language pertaining to the availability of license applications; add intertrack employee, business agent and veterinarian's assistant to Section 502.30; modify language pertaining to the licensing of trainers and assistant trainers; correct the minimum age of an apprentice jockey to 16; and add language to include services.

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

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

   312/814-5017

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

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section 502.10 Submission of Application
502.20 Complete Application
502.30 License Fees
502.40 Duration and Extent of Occupation Licenses
502.50 Rulings and Hearings
502.55 Denial of License
502.58 License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section 502.60 Denial of a License for Criminal Conviction
502.72 First-Time Applicant Who Has Been Convicted of a Crime
502.76 Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78 Probationary Nature of Licenses
502.80 Unqualified to Perform the Duties
502.90 Falsifying Answers or Omitting Facts
502.100 Just Cause
502.102 Burden of Going Forward
502.104 Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section 502.110 Criteria for Determining Eligibility
502.115 Standards Required of All Applicants
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SUBPART D: OWNERS

Section
502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section
502.200 Trainers and Assistant Trainers
502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents
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502.650 Tack Shop Operators and Other Vendors
502.660 Vendor Helper
502.680 Thoroughbred Grooms
502.690 Harness Grooms
502.700 Hotwalker
502.790 Totalizator Employee
502.795 Business Agents

SUBPART I: CONFLICTS OF INTEREST

Section
502.800 General Provisions
502.820 Dual Licensing
502.830 Limitations on License
502.840 Husbands and Wives
502.850 Transfer of a Horse

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


SUBPART A: PROCEDURE

Section 502.10 Submission of Application

a) Any person desiring an occupation license shall apply on forms provided by the
Illinois Racing Board (Board). If additional information is requested for the purpose of determining an applicant's eligibility or qualifications, the Board shall notify the applicant that he or she shall provide such supplemental information.

b) Applications may be obtained from the license office at any race track regulated by the Board or from the Board's central office in Chicago or at the Board's website (www.state.il.us/agency/irb).

c) Applications shall be filed in the licensing office, at the race track where the applicant wishes to participate in a race meeting. Applications may also be filed at the Board's central office, but the applicant shall indicate on the application the race track at which the applicant wishes to participate.

(Source: Amended at 33 Ill. Reg. 6696, effective May 1, 2009)

Section 502.30 License Fees

a) Applications for annual occupation licenses shall be accompanied by a non-refundable fee according to the following schedule:

1) $25 – owner, trainer, owner/trainer, owner/trainer/driver, driver, jockey, apprentice jockey, jockey agent, veterinarian, farrier, apprentice farrier, authorized agent, vendor, partnership, starter, and steward totalizator employee, and racing official, intertrack employee and business agent;

2) $15 – assistant trainer and veterinarian's assistant veterinarian;

3) $10 – exercise person, pony person, foreman and vendor helper;

4) $5 – hot walker and groom.

b) The following individuals shall submit the license application, together with any other information (where applicable, listed in Subparts B and C required by the Board, including but not limited to fingerprint cards, the required fee for fingerprint cards and certification of licensure, but shall not be assessed a license fee:

1) persons who perform professional services, such as members of the clergy, doctors, EMTs, paramedics and EMT's, dentists, social workers, and
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substance abuse counselors.

2) race track employees such as valets, assistant starters, charters, jockey room masseurs, kitchen help and jockey room custodians.

(Source: Amended at 33 Ill. Reg. 6696, effective May 1, 2009)

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section 502.200 Trainers and Assistant Trainers

An applicant for a license as a trainer or an assistant trainer shall:

a) Be at least 18 years of age and have been licensed as a trainer or assistant trainer by the Board or another racing jurisdiction. Any person applying for a license as a trainer or assistant trainer for the first time in Illinois shall submit to the examinations required of prospective trainers and assistant trainers, as provided in Section 502.210, unless previously licensed in one of these capacities in another racing jurisdiction where he or she was administered and passed a trainer's examination for at least one year.

b) Additionally, an applicant for a trainer's license shall:

1) have at least one horse to train which is eligible to race in Illinois;

2) be capable of meeting the financial obligations incurred in the stabling, racing, training, and care of the horse in his or her care; and

3) provide proof of having complied with Section 502.220.

c) An applicant for an assistant trainer's license shall be employed by a licensed trainer. In order to employ an assistant trainer, a trainer must have at least six horses in his or her stable, but may have no more than one assistant trainer for every 20 horses in training. However, if a trainer has fewer than six horses and wishes to ship one or more to another race track, or if a trainer shows a hardship such as a physical impairment, the Stewards shall allow the trainer to have an assistant trainer.

(Source: Amended at 33 Ill. Reg. 6696, effective May 1, 2009)
Section 502.235  Apprentice Jockeys, Criteria for Eligibility

An applicant for an apprentice jockey's license who has never been so licensed shall:

a) be at least 16 years of age or have been licensed as an apprentice jockey in this or another racing jurisdiction prior to January 1, 1988 (the effective date of this Section); and

b) have been licensed for at least one year by the Board or by another racing jurisdiction as an exercise rider or shall have acquired riding experience comparable to that of an exercise person at a training center or farm;

c) demonstrate the ability to break a horse from a starting gate in company with other horses and under observation of the starter; and

d) then have ridden competitively in at least two races.

(Source: Amended at 33 Ill. Reg. 6696, effective May 1, 2009)

Section 502.650  Tack Shop Operators and Other Vendors

An applicant for a license as a tack shop operator or vendor shall, prior to the filing of such application, file with the State Veterinarian for his or her approval, a list of the items or types of service that which the applicant intends to sell or deliver. If possession of those items or services within the race track enclosure is not prohibited by the Board's rules, the State Veterinarian shall approve the list annually.

(Source: Amended at 33 Ill. Reg. 6696, effective May 1, 2009)
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NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Licensing

2) Code Citation: 11 Ill. Adm. Code 1302

3) Section Number: Adopted Action:
   1302.90 Amend

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: May 1, 2009

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: 33 Ill. Reg. 1443; January 23, 2009

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 letter issued by JCAR? No agreements were necessary.

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

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

15) Summary and Purpose of Rulemaking: This rulemaking requires licensees to carry on their person, not wear, their photo identification badges issued by the Board.

16) Information and questions regarding this adopted amendment shall be directed to:
    Mickey Ezzo
    Illinois Racing Board 312/814-5017
    100 West Randolph, Suite 7-701
    Chicago, Illinois 60601
ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

The full text of the Adopted Amendment begins on the next page:
Section 1302.90  Possession of Credentials

a) All licensees shall carry on their person at all times within the stable area of a racetrack their Board photo identification. Every person granted an occupation license by the Board must keep his or her Board photo identification badge. Every person so identified is subject to the examination by the Board or its agents or employees, and by or officials of the
NOTICE OF ADOPTED AMENDMENT

race track operator or its designated agents or employees, at any time they may deem necessary or proper. The Board may require visible display of a license in a restricted area. A license may only be used by the person to whom it is issued.

b) While in the stable area of a race track, all occupation licensees shall wear their identification cards prominently displayed on their outer garments.

(Source: Amended at 33 Ill. Reg. 6704, effective May 1, 2009)
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NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Licensing of Participants

2) **Code Citation:** 11 Ill. Adm. Code 1408

3) **Section Number:** 1408.60
   **Adopted Action:** Amend

4) **Statutory Authority:** 230 ILCS 5/9(b)

5) **Effective Date of Rulemaking:** May 1, 2009

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:** 33 Ill. Reg. 1447; January 23, 2009

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 letter issued by JCAR?** No agreements were necessary.

13) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking:** This rulemaking requires licensees to carry on their person, not wear, their photo identification badges issued by the Board.

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

   Mickey Ezzo
   Illinois Racing Board
   100 West Randolph, Suite 7-701 312/814-5017
ILLINOIS RACING BOARD

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Chicago, Illinois 60601

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

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1408
LICENSING OF PARTICIPANTS

Section  
1408.10 Participants Must Be Licensed (Repealed) 
1408.20 Application for License (Repealed) 
1408.30 Form of Application (Repealed) 
1408.40 Revocation of License (Repealed) 
1408.50 Who Shall Be Licensed (Repealed) 
1408.54 Responsibility of Employer on Discharge of Employee 
1408.57 Responsibility of Employee When Discharged (Repealed) 
1408.60 Possession of Credentials 
1408.70 Persons Barred (Repealed) 
1408.80 Denial of License a Ruling (Repealed) 
1408.84 Financial Responsibility (Repealed) 
1408.87 Worker's Compensation (Repealed) 
1408.90 Revocation of License 
1408.100 Unauthorized Use of Credentials 
1408.110 Authorized Agents (Owners) (Repealed) 
1408.120 Authorized Agents (Trainers) (Repealed) 
1408.130 Jockey Agents (Repealed) 
1408.135 Agent Fees (Repealed) 
1408.140 Veterinarians (Repealed) 
1408.145 Owning Horses (Repealed) 
1408.150 Rules of Employment and Payment of Fines 
1408.160 Payment (Repealed) 
1408.170 Duration of License (Repealed) 
1408.180 New Riders (Repealed) 
1408.190 Probationary Permit

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
Notices of adopted amendment

Section 1408.60 Possession of Credentials

All licensees shall carry on their person at all times within the stable area of a racetrack their every person granted an occupation license by the Board must keep his or her Board photo identification badge. Every card, in his or her possession and every person so identified is subject to the examination by the Board or, its agents or employees, and by officials or official of the race track operator or, and its designated agents or employees, at any time they may deem necessary or proper. The Board may require visible display of a license in a restricted area. A license may only be used by the person to whom it is issued. While in the stable area of a race track, all occupation licensees shall wear their identification cards prominently displayed on their outer garments.

(Source: Amended at 33 Ill. Reg. 6708, effective May 1, 2009)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part:** Medical Assistance Programs

2) **Code Citation:** 89 Ill. Adm. Code 120

3) **Section Number:** 120.329
   **Emergency Action:** Repeal

4) **Statutory Authority:** Section 12-3 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date of Amendment:** April 28, 2009

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** This emergency amendment will expire at the end of the 150 day period or when the proposed repeal of peremptory amendment is adopted, whichever is sooner.

7) **Date Filed with the Index Department:** April 28, 2009

8) **A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Reason for Emergency:** This emergency amendment repeals a peremptory rulemaking that was adopted by HFS at 32 Ill. Reg. 18889 and is in compliance with the recommendations of the Joint Commission on Administrative Rules regarding JCAR's Suspension of the peremptory amendment that was published at 32 Ill. Reg.18906, effective November 19, 2008.

10) **Complete Description of the Subjects and Issues Involved:** The suspended peremptory rulemaking affected eligibility for medical assistance for programs implemented pursuant to Section 5/2-2(b) of the Illinois Public Aid Code. HFS stated that it was in compliance with a court order when it filed the peremptory rulemaking at 32 Ill. Reg. 18889 that supplemented eligibility standards for medical assistance by requiring compliance with non-economic eligibility requirements of Article IV. At its November 19, 2008 meeting, JCAR objected to and suspended the peremptory amendment on the grounds it was an unauthorized use of peremptory rulemaking. The Objection and Suspension appeared at 32 Ill. Reg.18906 and took effect on November 19, 2008. At its April 21, 2009 meeting, JCAR voted to withdraw the Suspension contingent upon HFS filing an emergency repeal of the peremptory amendment and the notice of this action is published at 33 Ill. Reg. 6551. This rulemaking is the emergency repeal of that peremptory amendment.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

11) Are there any proposed amendments to this Part pending? Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
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</tr>
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<tbody>
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<td>120.310</td>
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<td>33 Ill. Reg. 5994; April 24, 2009</td>
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</table>

12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate-affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed to:

Tamara Tanzillo Hoffman  
Chief of Administration and Rules  
Illinois Department of Healthcare and Family Services  
201 South Grand Ave E., 3rd Floor  
Springfield IL  62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY 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)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Licensed Community – Integrated Living Arrangements

**SUBPART D: MEDICARE PREMIUMS**

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>120.70</td>
<td>Supplementary Medical Insurance Benefits (SMIB) Buy-In Program</td>
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<tr>
<td>120.72</td>
<td>Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)</td>
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<td>120.73</td>
<td>Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)</td>
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<td>120.74</td>
<td>Qualified Medicare Beneficiary (QMB) Income Standard</td>
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<td>Specified Low-Income Medicare Beneficiary (SLIB) Income Standards</td>
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<td>Hospital Insurance Benefits (HIB)</td>
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**SUBPART E: RECIPIENT RESTRICTION PROGRAM**

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<tr>
<td>120.80</td>
<td>Recipient Restriction Program</td>
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**SUBPART F: MIGRANT MEDICAL PROGRAM**

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<tbody>
<tr>
<td>120.90</td>
<td>Migrant Medical Program (Repealed)</td>
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<td>120.91</td>
<td>Income Standards (Repealed)</td>
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**SUBPART G: AID TO THE MEDICALLY INDIGENT**

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<td>Elimination Of Aid To The Medically Indigent</td>
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<tr>
<td>120.210</td>
<td>Citizenship (Repealed)</td>
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<tr>
<td>120.211</td>
<td>Residence (Repealed)</td>
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<tr>
<td>120.212</td>
<td>Age (Repealed)</td>
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<tr>
<td>120.215</td>
<td>Relationship (Repealed)</td>
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<tr>
<td>120.216</td>
<td>Living Arrangement (Repealed)</td>
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<td>120.217</td>
<td>Supplemental Payments (Repealed)</td>
</tr>
<tr>
<td>120.218</td>
<td>Institutional Status (Repealed)</td>
</tr>
<tr>
<td>120.224</td>
<td>Foster Care Program (Repealed)</td>
</tr>
<tr>
<td>120.225</td>
<td>Social Security Numbers (Repealed)</td>
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<tr>
<td>120.230</td>
<td>Unearned Income (Repealed)</td>
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</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

120.235  Exempt Unearned Income (Repealed)
120.236  Education Benefits (Repealed)
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
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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 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
120.328 Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329 Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)

EMERGENCY

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
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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)
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
120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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NOTICE OF EMERGENCY AMENDMENT

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.329  Compliance with Non-Economic Eligibility Requirements of Article IV
(Suspended; Repealed)

EMERGENCY

So long as required by either the September 26, 2008 Opinion issued by the Illinois Appellate Court, First District in the case of Caro vs. Blagojevich, Case No. 1-08-1061 or other applicable authority, to be eligible for medical assistance for any program implemented pursuant to Section 5/2-(2)(b) of the Illinois Public Aid Code, an individual must comply with the requirements set forth in Section 4-1.5a and 4-1.7 through 4-1.10 [305 ILCS 5/4-1.5a; 305 ILCS 4-1.7 through 305 ILCS 5/4-1.10] of the Illinois Public Aid Code, published by West Group, 610 Opperman Drive, Eagan, Minnesota 55123, as of 2008, not including any subsequent amendments or editions.

(Source: Added by peremptory rulemaking at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory rule suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory rule repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days)
NOTICE OF PEREMPTORY AMENDMENTS

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**
   - 310.APPENDIX A TABLE N 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) Section 310.Appendix A Table N to reflect the Memoranda of Understanding (MOU) between the CMS and the American Federation of State, County and Municipal Employees (AFSCME) signed April 15, 2009. The MOU assign Public Service Administrator title Option 8L (Administrative Law Judge) in the Departments of Healthcare and Family Services, and Human Services to the RC-010 bargaining unit and pay grade RC-010-24 effective January 29, 2009. No position was excluded from bargaining unit representation by the Illinois Labor Relations Board.

   CMS is amending Section 310.Appendix A Table W to reflect the MOU between CMS and AFSCME signed April 7 and April 17, 2009. The MOU assign the Employment Security Field Office Supervisor, Mental Health Recovery Support Specialist I and Mental Health Recovery Support Specialist II titles to the RC-062 bargaining unit and to the pay grades RC-062-20, RC-062-17 and RC-062-18, respectively. The Employment Security Field Office Supervisor is assigned effective March 23, 2009. The Mental Health Recovery Support Specialist I and Mental Health Recovery Support Specialist II titles are effective April 7, 2009. No position was excluded from bargaining unit representation by the Illinois Labor Relations Board.

5) **Statutory Authority:** Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

6) **Effective Date:** May 1, 2009

7) **A Complete Description of the Subjects and Issues Involved:** In Section 310.Appendix A Table N, the Public Service Administrator title Option 8L (Administrative Law Judge) in
NOTICE OF PEREMPTORY AMENDMENTS

the Departments of Healthcare and Family Services, and Human Services, the title code 37015 and pay grade RC-010-24 are added to the title table.

In Section 310.Appendix A Table W, the Employment Security Field Office Supervisor, Mental Health Recovery Support Specialist I and Mental Health Recovery Support Specialist II titles, their respective title codes 13600, 26921 and 26922, and respective pay grades RC-062-20, RC-062-17 and RC-062-18 are added to the title table.

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

9) Date filed with the Index Department: May 1, 2009

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

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? Yes

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<td>310.47</td>
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<td>33 Ill. Reg. 4588; April 3, 2009</td>
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<td>33 Ill. Reg. 4588; April 3, 2009</td>
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<td>33 Ill. Reg. 4588; April 3, 2009</td>
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<td>310.APPENDIX A TABLE K</td>
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NOTICE OF PEREMPTORY AMENDMENTS

310.APPENDIX A TABLE N Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE O Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE R Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE V Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE W Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE X Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE Y Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE Z Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX D Amendment 33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX G Amendment 33 Ill. Reg. 4588; April 3, 2009

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
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
CMS.PayPlan@Illinois.gov

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
310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47 In-Hiring Rate
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
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 (Repealed)
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.270  Legislated and Contracted Rate
310.280  Designated Rate
310.290  Out-of-State Rate (Repealed)
310.295  Foreign Service Rate (Repealed)
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
310.415  Merit Compensation Salary Range Assignments
310.420  Objectives
310.430  Responsibilities
310.440  Merit Compensation Salary Schedule
310.450  Procedures for Determining Annual Merit Increases and Bonuses
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 and Bonus Guidechart
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  RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
  310.TABLE B  VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
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)
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 VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
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)

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

ILCS 415/8 and 8a].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTICE OF PEREMPTORY AMENDMENTS

Section 310. APPENDIX A  Negotiated Rates of Pay

Section 310. TABLE N  RC-010 (Professional Legal Unit, AFSCME)

<table>
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<td>Hearings Referee</td>
<td>18300</td>
<td>RC-010</td>
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<td>Hearings Referee – Intermittent</td>
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<td>RC-010</td>
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<td>Department of Public Health</td>
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<td>RC-010</td>
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<td>(Administrative Law Judge) Departments of Healthcare and Family Services</td>
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<td>45256</td>
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Effective January 1, 2008
Bargaining Unit:  RC-010

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective January 1, 2009
Bargaining Unit: RC-010

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(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 6724, effective May 1, 2009)
Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE W  RC-062 (Technical Employees, AFSCME)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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Behavioral Analyst II 04352 RC-062 19
Business Administrative Specialist 05810 RC-062 16
Business Manager 05815 RC-062 18
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 Support Specialist I 07198 RC-062 16
Child Support Specialist II 07199 RC-062 17
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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
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Child Welfare Staff Development Coordinator IV 07204 RC-062 22
Children and Family Service Intern – Option I 07241 RC-062 12
Children and Family Service Intern – Option II 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
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Conservation Grant Administrator I 09311 RC-062 18
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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Mental Health Specialist II 26925 RC-062 14
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Natural Resources Coordinator 28831 RC-062 15
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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
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Public Aid Program Quality Analyst 35890 RC-062 19
Public Aid Quality Control Reviewer 35892 RC-062 17
**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

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Revenue Audit Supervisor (states other than IL, CA or NJ) 38369 RC-062 27
Revenue Audit Supervisor (CA or NJ) 38369 RC-062 29
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 (IL) 38572 RC-062 14
Revenue Tax Specialist II (states other than IL, CA or NJ) 38572 RC-062 17
Revenue Tax Specialist II (CA or NJ) 38572 RC-062 19
Revenue Tax Specialist III 38573 RC-062 17
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Site Assistant Superintendent I 41071 RC-062 15
Site Assistant Superintendent II 41072 RC-062 17
Site Interpretive Coordinator 41093 RC-062 13
Site Services Specialist I 41117 RC-062 15
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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
Workers Compensation Insurance Compliance Investigator 49640 RC-062 20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee, Revenue Computer Audit Specialist and Revenue Tax Specialist II 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 or 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 January 1, 2008
Bargaining Unit: RC-062

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Effective January 1, 2009
Bargaining Unit: RC-062
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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ILLOINOIS REGISTER 6754
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

28  B  6473  6666  6866  7212  7603  8005  8412  8805  9200  9796  10188

29  U  6792  6995  7207  7568  7979  8400  8828  9240  9655  10279  10690

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 6724, effective May 1, 2009)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MAY 19, 2009

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

PROPOSED RULEMAKINGS

Attorney General
   -First Notice Published: 33 Ill. Reg. 3697 – 3/6/09
   -Expiration of Second Notice: 6/7/09

Central Management Services
2. Organ Donor Leave (80 Ill. Adm. Code 332)
   -First Notice Published: 33 Ill. Reg. 1410 – 1/23/09
Corrections

3. Moms and Babies Program (20 Ill. Adm. Code 475)
   -First Notice Published: 33 Ill. Reg. 3232 – 2/20/09
   -Expiration of Second Notice: 5/28/09

Education

4. Temporary Relocation Expenses (23 Ill. Adm. Code 145)
   -First Notice Published: 33 Ill. Reg. 3127 – 2/13/09
   -Expiration of Second Notice: 6/5/09

5. School Construction Program (23 Ill. Adm. Code 151)
   -First Notice Published: 33 Ill. Reg. 3130 – 2/13/09
   -Expiration of Second Notice: 6/5/09

6. Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)
   -First Notice Published: 33 Ill. Reg. 3138 – 2/13/09
   -Expiration of Second Notice: 6/5/09

Emergency Management Agency

7. All Hazards Campus Emergency Plan and Campus Violence Prevention Plan (29 Ill. Adm. Code 305)
   -First Notice Published: 33 Ill. Reg. 1905 – 2/6/09
   -Expiration of Second Notice: 6/10/09

   -First Notice Published: 33 Ill. Reg. 1 – 1/2/09
   -Expiration of Second Notice: 5/23/09

Environmental Protection Agency

   -First Notice Published: 33 Ill. Reg. 3576 – 2/27/09
   -Expiration of Second Notice: 6/4/09
1. JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

Financial and Professional Regulation

10. Credit for Reinsurance Ceded (50 Ill. Adm. Code 1104)
    -First Notice Published: 32 Ill. Reg. 14621 – 9/12/08
    -Expiration of Second Notice: 6/10/09

    -First Notice Published: 33 Ill. Reg. 2876 – 2/13/09
    -Expiration of Second Notice: 6/5/09

Healthcare and Family Services

12. Medical Payment (89 Ill. Adm. Code 140)
    -First Notice Published: 32 Ill. Reg. 13761 – 8/22/09
    -Expiration of Second Notice: 5/22/09

    -First Notice Published: 32 Ill. Reg. 18121 – 12/1/08
    -Expiration of Second Notice: 6/7/09

    -First Notice Published: 33 Ill. Reg. 1413 – 1/23/09
    -Expiration of Second Notice: 5/21/09

    -First Notice Published: 33 Ill. Reg. 3030 – 2/13/09
    -Expiration of Second Notice: 5/29/09

Pollution Control Board

    -First Notice Published: 32 Ill. Reg. 18507 – 12/5/08
    -Expiration of Second Notice: 5/31/09

    -First Notice Published: 32 Ill. Reg. 16303 – 10/10/08
    -Expiration of Second Notice: 5/23/09
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

Property Tax Appeal Board

   -First Notice Published: 33 Ill. Reg. 3664 – 2/27/09
   -Expiration of Second Notice: 6/3/09

Public Health

   -First Notice Published: 32 Ill. Reg. 18149 – 12/1/08
   -Expiration of Second Notice: 6/7/09

    -First Notice Published: 32 Ill. Reg. 14465 – 9/5/08
    -Expiration of Second Notice: 6/15/09

Secretary of State

    -First Notice Published: 33 Ill. Reg. 3965 – 3/6/09
    -Expiration of Second Notice: 6/4/09

    -First Notice Published: 33 Ill. Reg. 3956 – 3/6/09
    -Expiration of Second Notice: 6/13/09

State Police

23. Testing of Breath, Blood and Urine for Alcohol, Other Drugs and Intoxicating Compounds (20 Ill. Adm. Code 1286)
    -First Notice Published: 33 Ill. Reg. 3240 – 2/20/09
    -Expiration of Second Notice: 6/3/09

Student Assistance Commission

    -First Notice Published: 33 Ill. Reg. 2073 – 2/6/09
    -Expiration of Second Notice: 5/20/09
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

25. Federal Family Education Loan Program (FFELP) (23 Ill. Adm. Code 2720)
   -First Notice Published: 33 Ill. Reg. 2089 – 2/6/09
   -Expiration of Second Notice: 5/20/09

   -First Notice Published: 33 Ill. Reg. 2100 – 2/6/09
   -Expiration of Second Notice: 5/20/09

27. State Scholarship Program (23 Ill. Adm. Code 2760)
   -First Notice Published: 33 Ill. Reg. 2107 – 2/6/09
   -Expiration of Second Notice: 5/20/09

28. Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)
   -First Notice Published: 33 Ill. Reg. 2115 – 2/6/09
   -Expiration of Second Notice: 5/20/09

EMERGENCY RULEMAKINGS

   Central Management Services

29. State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 3130)
   -Notice Published: 33 Ill. Reg. 6110 – 4/24/09

   Healthcare and Family Services

30. Medical Assistance Programs (89 Ill. Adm. Code 120)
   -Notice Published: 33 Ill. Reg. 5802 – 4/17/09

31. Hospital Services (89 Ill. Adm. Code 148)
   -Notice Published: 33 Ill. Reg. 5821 – 4/17/09

   Education

32. Requirements for Accounting, Budgeting, Financial Reporting and Auditing (23 Ill. Adm. Code 100)
   -Notice Published: 33 Ill. Reg. 6313 – 5/1/09

   Higher Education

33. Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)
JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

-Notice Published: 33 Ill. Reg. 6099 – 4/24/09

State Universities Retirement System

34. Universities Retirement (80 Ill. Adm. Code 1600)
   -Notice Published: 33 Ill. Reg. 6525 – 5/8/09

PEREMPTORY RULEMAKINGS

Agriculture

   -Notice Published: 33 Ill. Reg. 6338 – 5/1/09

Central Management Services

36. Pay Plan (80 Ill. Adm. Code 310)
   -Notice Published: 33 Ill. Reg. 6354 – 5/1/09

Human Services

37. Food Stamps (89 Ill. Adm. Code 121)
   -Notice Published: 33 Ill. Reg. 5537 – 4/10/09

38. Collections and Recoveries (89 Ill. Adm. Code 165)
   -Notice Published: 33 Ill. Reg. 5549 – 4/10/09

ADOPTED RULEMAKINGS

Agriculture

39. Organizational Chart, Description, Rulemaking Procedure, and Programs (2 Ill. Adm.
    Code 700)
   -Notice Published: 33 Ill. Reg. 6044 – 4/24/09

Human Rights

40. Rulemaking and Organization (2 Ill. Adm. Code 925)
   -Notice Published: 33 Ill. Reg. 6293 – 5/1/09
The following second notice was received by the Joint Committee on Administrative Rules during the period of April 28, 2009 through May 4, 2009 and has been scheduled for review by the Committee at its May 19, 2009 meeting. 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.

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DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1

2. Summary of information:

   Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2009. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

   Agricultural Producers and Products
   Aircraft Use Tax
   C.O.A.D.
   Computer Software
   Construction Contractors
   Exempt Organizations
   Farm Machinery & Equipment
   Food
   Gross Receipts
   Hotel Operators' Tax
   Leasing
   Local Taxes
   Manufacturer's Purchase Credit
   Manufacturing Machinery & Equipment
   Medical Appliances
   Miscellaneous
   Newsprint & Ink
   Nexus
   Prepaid Sales Tax
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Repairs
Sale for Resale
Service Occupation Tax
Telecommunications Excise Tax
Temporary Storage

Tobacco Products Tax Act
Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

217/782-2844
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AGRICULTURAL PRODUCERS AND PRODUCTS

ST 09-0014-GIL  01/08/2009  LP gas used to dry grain prior to being sold does not qualify as a farm chemical for purposes of the farm chemical exemption. See 86 Ill. Adm. Code 130.305(f).

AIRCRAFT USE TAX

ST 09-0030-GIL  03/05/09  This letter concerns the tax liabilities involving the purchase of a homebuilt aircraft kit. See 86 Ill. Adm. Code 152.101.

C.O.A.D.

ST 09-0004-GIL  01/05/2009  In general, machines that allow players to accumulate credits that may be redeemed for gift cards that the players can use to receive property do not meet the definition of a coin-operated amusement device subject to tax under the Coin-Operated Amusement Device and Redemption Machine Tax Act. See 35 ILCS 510/1 et seq. and the corresponding regulations at 86 Ill. Adm. Code 460.101 et seq.

COMPUTER SOFTWARE

ST 09-0013-GIL  01/08/2009  If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.

ST 09-0023-GIL  01/16/2009  Charges for updates of canned software are fully taxable as sales of software under Section 130.1935(b) of the Department's rules. If a maintenance agreement provides for updates of canned software (other than "patches" or "bug fixes"), and the charges for those updates are not separately stated and taxed, then the whole agreement is taxable as a sale of canned software. See 86 Ill. Adm. Code 130.1935.

ST 09-0024-GIL  01/16/2009  This letter rescinds General Information Letter ST 08-0168-GIL. Charges for updates of canned software are fully taxable as sales of
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

software under Section 130.1935(b) of the Department's rules. If a maintenance agreement provides for updates of canned software (other than "patches" or "bug fixes"), and the charges for those updates are not separately stated and taxed, then the whole agreement is taxable as a sale of canned software. See 86 Ill. Adm. Code 130.1935.

ST 09-0031-GIL 03/16/2009  If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.

ST 09-0033-GIL 03/16/2009  If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.

ST 09-0036-GIL 03/19/2009  If transactions for the licensing of computer software meet all of the criteria provided in subsection (a)(1) of Section 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935.

ST 09-0046-GIL 03/24/2009  The transfer of any canned software (or update of canned software) is considered the transfer of tangible personal property and will be subject to Retailers' Occupation Tax and Use Tax liability. Sales of canned software are taxable regardless of the means of delivery. See 86 Ill. Adm. Code 130.1935.


CONSTRUCTION CONTRACTORS

ST 09-0009-GIL 01/06/2009  When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0011-GIL  01/08/2009  When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 09-0020-GIL  01/12/2009  When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

EXEMPT ORGANIZATIONS

ST 09-0048-GIL  03/26/2009  Organizations that the Department of Revenue has determined to be exclusively religious, educational, or charitable and have been issued an exemption identification number (an "E" number) are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005.

FARM MACHINERY & EQUIPMENT

ST 09-0001-GIL  01/05/2009  Supplies used in production agriculture do not qualify for the Farm Machinery & Equipment exemption. See 86 Ill. Adm. Code 130.305.

FOOD

ST 09-0015-GIL  01/08/2009  This letter discusses how sales of food can be subject to either low (1%) or general merchandise (6.25%) State tax rates under the Retailers' Occupation Tax Act. See 86 Ill. Adm. Code 130.310.

ST 09-0019-GIL  01/12/2009  This letter discusses the appropriate State tax for sales of beverages including soft drinks. See 86 Ill. Adm. Code 130.310.
NOTICE OF PUBLIC INFORMATION

GROSS RECEIPTS

ST 09-0026-GIL 01/23/2009 This letter concerns discount coupons. See 86 Ill. Adm. Code 130.2125(b). This is a GIL.

ST 09-0043-GIL 03/23/2009 Cook County liquor tax is a tax on the consumer and is therefore deductible from a retailer's gross receipts in calculating Retailers' Occupation Tax liability. 86 Ill. Adm. Code 130.435.

HOTEL OPERATORS' TAX

ST 09-0010-GIL 01/06/2009 Gross receipts from the rentals of rooms to "permanent residents" are not subject to Hotel Operators' Occupation Tax liability. A "permanent resident" is any person who has occupied or has the right to occupy any room or rooms in a hotel for at least 30 consecutive days. See 86 Ill. Adm. Code 480.101.

LEASING

ST 09-0040-GIL 03/20/2009 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 130.2010.

LOCAL TAXES

ST 09-0017-GIL 01/12/2009 This letter discusses the imposition of local occupation taxes. See 86 Ill. Adm. Code 270.115.

ST 09-0025-GIL 01/23/2009 This letter discusses the imposition of local occupation taxes. See 86 Ill. Adm. Code 270.115.

MANUFACTURER'S PURCHASE CREDIT
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 09-0016-GIL  01/08/2009  Manufacturer's Purchase Credit may be used to satisfy Use Tax or Service Use Tax liability that is incurred on the purchase of production related tangible personal property that does not qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Admin. Code 130.331.

MANUFACTURING MACHINERY & EQUIPMENT

ST 09-0003-PLR  03/31/2009  Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.

MEDICAL APPLIANCES

ST 09-0002-GIL  01/05/2009  A medical appliance is defined as an item that is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

ST 09-0028-GIL  01/26/2009  A medical appliance is defined as an item that is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

ST 09-0039-GIL  03/20/2009  A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310(c).

ST 09-0041-GIL  03/20/2009  This letter provides a reference to the Department's rules regarding the State tax rate applicable to food, drugs, medicines and medical appliances. See 86 Ill. Adm. Code 130.310.

ST 09-0042-GIL  03/20/2009  Medicines and medical appliances are not taxed at the general State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.

MISCELLANEOUS
### DEPARTMENT OF REVENUE

**NOTICE OF PUBLIC INFORMATION**

| ST 09-0007-GIL | 01/05/2009 | The Department does not consider the viewing and downloading of video, text and similar data over the Internet to be the transfer of tangible personal property. See 86 Ill. Adm. Code 130.101. |

**NEWSPRINT & INK**

| ST 09-0001-PLR | 01/06/2009 | This letter informs the taxpayer that the publication described qualifies for the newsprint and ink exemption under the Retailers' Occupation Tax Act. See 86 Ill. Adm. Code 130.2105. |
| ST 09-0029-GIL | 01/27/2009 | Gross receipts from the sale of newspapers and magazines in Illinois are not subject to sales tax. See 86 Ill. Adm. Code Section 130.2015. |

**NEXUS**

| ST 09-0006-GIL | 01/05/2009 | This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992). |
DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION


PREPAID SALES TAX

ST 09-0027-GIL 01/23/2009 This letter explains that prepaid sales tax is not required to be collected by a distributor when it makes sales to a person who does not incur Retailers' Occupation Tax liability on any of its sales of motor fuel.

REPAIRS

ST 09-0035-GIL 03/17/2009 The taxability of maintenance agreements depends upon whether charges for the agreements are included in the selling price of the tangible personal property. See 86 Ill. Adm. Code 140.141 and 140.301.

SALE FOR RESALE

ST 09-0003-GIL 01/05/2009 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1405.

SERVICE OCCUPATION TAX

ST 09-0008-GIL 01/05/2009 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

ST 09-0018-GIL 01/12/2009 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

ST 09-0050-GIL 03/31/2009 This letter concerns tax imposed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code Part 140.

TELECOMMUNICATIONS EXCISE TAX
DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

ST 09-0005-GIL  01/05/2009  The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code 495.

ST 09-0037-GIL  03/19/2009  Charges for data processing and information retrieval are not taxable. See 86 Ill. Adm. Code 495.100(c). If retailers provide both transmission (such as telephone line charges) and data processing services, the charges for each must be separately stated and identified in the books and records of the retailers. See 86 Ill. Adm. Code 495.

ST 09-0047-GIL  03/24/2009  The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 86 Ill. Adm. Code Part 495.

TEMPORARY STORAGE

ST 09-0022-GIL  01/14/2009  A temporary storage exemption from the imposition of use tax is available where tangible personal property is "acquired outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing or shaping, and, as altered, is used solely outside this State." See 86 Ill. Adm. Code 150.310(a)(4).

TOBACCO PRODUCTS TAX ACT

ST 09-0002-PLR  03/11/2009  This letter provides guidance on the manner in which to calculate the wholesale price for promotional tobacco products which are sold in larger, pre-packaged units. See 35 ILCS 143/10-5.
NOTICE OF PUBLIC INFORMATION

USE TAX


ST 09-0038-GIL  03/20/2009  This letter provides a reference to the Interim Use and Demonstration Exemption. See, 86 Ill. Adm. Code 150.306.
PROCLAMATIONS

2009-156
Gubernatorial Proclamation

The federal government has declared a public health emergency and, therefore, in response, the State of Illinois will take steps to mitigate any potential health threat. Cases of a novel human virus known as Swine Influenza A (H1N1) have been confirmed in various locations throughout the United States. Although there are currently no confirmed cases of Swine Influenza A in the State of Illinois, an imminent threat of illness to Illinois citizens exists. Thus, it is critical that State agencies and local governments begin to prepare for the possibility of cases of Swine Influenza A in Illinois. Coordination among the federal government and State of Illinois agencies is necessary at this time to ensure the appropriate and timely response to any emergency that may occur related to swine flu.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby proclaim that a threat of a public health emergency exists in the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation will assist the Illinois Emergency Management Agency and the Illinois Department of Public Health in coordinating State and Federal resources, including the Strategic National Stockpile of medicines and protective equipment, to support local governments in preparation for any action that may be necessary related to the potential impact of Swine Influenza A in the State of Illinois.

Date: April 28, 2009
Filed: April 28, 2009

2009-157
Automotive Service Professionals Week

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 14,300 Automotive Service Excellence (ASE) Certified Automotive Service Professionals working in more than 5,000 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, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 8-14, 2009 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 April 24, 2009
Filed by the Secretary of State May 4, 2009

2009-158
Day of Encouragement

WHEREAS, we are bombarded with negative images, stories and influences in our day-to-day lives that can lead to a feeling of sadness or hopelessness; and

WHEREAS, this discouragement can affect all aspects of a person's life, from their job or schoolwork, to their personal relationships and decision making; and

WHEREAS, even the smallest gesture, such as a smile or kind word, has the ability to communicate love and compassion that can brighten a person's day; and

WHEREAS, September 11 is a day that will live in the minds of Americans as a dark and evil day because of the horrific terrorist attacks that claimed the lives of 2,974 innocent people in 2001; and

WHEREAS, in the days and months following the 9/11 attacks, the sacrifices made by thousands of Americans to help the victims of the attacks and their families inspired and encouraged the entire nation:
THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim September 12, 2009 as a **DAY OF ENCOURAGEMENT** in Illinois, and urge all citizens to encourage others on this day, whether through an act of service, a thoughtful letter or just an encouraging word, and thereby boost the overall morale of all of Illinois.

Issued by the Governor April 24, 2009
Filed by the Secretary of State May 4, 2009

**2009-159**

*Emergency Medical Services Week*

WHEREAS, emergency medical services (EMS) embody the true concept of teamwork by recognizing the interdependent relationship among trauma centers, EMS system hospitals, ambulance providers, emergency and trauma physicians, emergency nurses, emergency medical technicians (EMTs) – basic, intermediate and paramedic – field nurses, emergency communication nurses, trauma nurse specialists, emergency dispatchers and first responders who are dedicated to saving lives; and

WHEREAS, in Illinois there are 64 EMS resource hospitals and 61 trauma centers, 17,781 first responders, 20,769 basic EMTs, 1,122 intermediate EMTs, 12,603 paramedic EMTs, 4,163 emergency communications registered nurses and 2,424 trauma nurse specialists selflessly providing 24-hour service to the people of Illinois; and

WHEREAS, this year's Emergency Medical Services Week national theme, "EMS – A Proud Partner in Your Community," underscores the immediate nature of the situations to which EMS personnel must respond:

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury, meaning the skills of these highly trained individuals save lives every day across our state:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 17-23, 2009 as **EMERGENCY MEDICAL SERVICES WEEK** in Illinois, and encourage all citizens to recognize the dedication and lifesaving work that the men and women of emergency medical services teams provide to the communities of this state.

Issued by the Governor April 24, 2009
Filed by the Secretary of State May 4, 2009
2009-160
Emergency Medical Services for Children Day

WHEREAS, Emergency Medical Services for Children (EMSC) recognizes that children have unique physiological responses to illness and injury; and

WHEREAS, EMSC promotes a specialized approach to pediatric care; and

WHEREAS, Illinois' emergency medical services system strives to integrate pediatric emergency care needs across a wide spectrum; and

WHEREAS, in Illinois there are 17,781 first responders, 20,769 basic EMTs, 1,122 intermediate EMTs, 12,603 paramedic EMTs, 4,163 emergency communications registered nurses and 2,424 trauma nurse specialists dedicated to promoting preventive measures, pre-hospital care, outpatient and specialized services, and inpatient and rehabilitative care; and

WHEREAS, Illinois champions the nation's EMSC commitment to reduce childhood morbidity and mortality associated with severe illness and trauma:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 20, 2009 as EMERGENCY MEDICAL SERVICES FOR CHILDREN DAY in Illinois, and encourage all citizens to commend those that use their advanced training and talents to help children in times of crisis.

Issued by the Governor April 24, 2009
Filed by the Secretary of State May 4, 2009

2009-161
Childhood Cancer Awareness Month

WHEREAS, more than 13,000 children and adolescents are diagnosed with cancer every year in the United States and Illinois. That is the equivalent of two average size classrooms diagnosed each school day; and

WHEREAS, leukemias, tumors of the brain and nervous system, the lymphatic system, and kidneys, bones and muscles, are the most common childhood cancers; and

WHEREAS, collectively, the cancers of children, adolescents, and young adults to age 20 are the sixth most common cancers in the United States; and
WHEREAS, sadly, cancer claims the lives of more children than any other disease, including asthma, diabetes, cystic fibrosis, and AIDS combined; but

WHEREAS, less than 10 percent of children diagnosed with cancer were cured in the 1950s; fortunately, nearly 80 percent of childhood cancer patients become long-term survivors today if they are referred to established childhood cancer treatment and research centers; and

WHEREAS, the State of Illinois recognizes the devastating effects of cancer on the children of our state, and encourages all efforts towards the discovery of cures for childhood cancers; and

WHEREAS, during the month of September a variety of organizations dedicated to supporting children and families affected by childhood cancer and to raising funds for critical research towards a cure will host events across the country in honor of children's determination and bravery to fight the battle against childhood cancer:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2009 as CHILDHOOD CANCER AWARENESS MONTH in Illinois, in order to raise awareness about childhood cancer and in support of the efforts of organizations dedicated to raising funds for research into a cure.

Issued by the Governor April 24, 2009
Filed by the Secretary of State May 4, 2009

2009-162
Tee it Up for the Troops Day

WHEREAS, the courageous men and women of our Armed Forces serving overseas selflessly put the defense of the United States ahead of their own personal safety and comfort; and

WHEREAS, it is vital to the success of our troops that we show our support for their service and display our pride in their accomplishment; and

WHEREAS, Tee it Up for the Troops was created to help support the fallen and disabled members of our Armed Forces and their families, as well as to honor our veterans of all wars and acknowledge their sacrifice; and
WHEREAS, the Friday closest to September 11th has been designated by Tee it Up for the Troops as a National Day of Golf to salute all those who have answered the call of duty; and

WHEREAS, on August 31, 2009, the First Annual Tee it Up for the Troops Central Illinois Golf Classic will be held to support the Wounded Warrior Project and families of Central Illinois service members currently facing financial challenges as a result of their loved ones' service, and to establish 10 scholarships for children of financially challenged veterans:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11, 2009 as TEE IT UP FOR THE TROOPS DAY in Illinois, and encourage all citizens to show their support for our service members and veterans.

Issued by the Governor April 24, 2009
Filed by the Secretary of State May 4, 2009

2009-163
Provider Appreciation Day

WHEREAS, early childhood is the most critical developmental period for all children; and

WHEREAS, nearly 3 million people earn a living by teaching and caring for young children or by working in jobs directly related to this field; and

WHEREAS, of the 21 million children under age six in America, 13 million are in child care at least part time. An additional 24 million school-age children are in some form of child care outside of school time; and

WHEREAS, seeing the need for a day to appreciate and recognize child care providers, a group of volunteers in New Jersey started Provider Appreciation Day in 1996; and

WHEREAS, by calling attention to the importance of high quality child care services for all children and families in our state, these provider groups hope to improve the quality and availability of such services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 8, 2009 as PROVIDER APPRECIATION DAY in Illinois, and urge all citizens to join me in recognizing Illinois' child care providers for their commitment and dedication to our children.

Issued by the Governor April 24, 2009
2009-164
Student Council Week

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and

WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and

WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and

WHEREAS, this year, the 75th Annual Illinois Association of Student Councils State Convention will be held May 7-9 at the Chicago Hilton Hotel. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3-9, 2009 as STUDENT COUNCIL WEEK in Illinois in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor April 27, 2009
Filed by the Secretary of State May 4, 2009

2009-165
Asian Pacific American Heritage Month
WHEREAS, in June 1977, Congressmen Frank Horton of New York and Norman Y. Mineta of California introduced a House resolution calling upon the President to proclaim the first 10 days of May as Asian/Pacific Heritage Week. The following month, Senators Daniel Inouye and Spark Matsunaga introduced a similar bill in the Senate. Both were passed; and

WHEREAS, on Oct. 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration; and

WHEREAS, in May 1990, the holiday was further expanded when President George H.W. Bush designated May to be Asian Pacific American Heritage Month; and

WHEREAS, May was chosen to commemorate the immigration of the first Japanese immigrants to the United States in 1843; and

WHEREAS, many immigrants of Asian heritage came to the United States during the nineteenth century to work in the transportation industry; and

WHEREAS, in 1869, laboring under very difficult conditions, Asian immigrants helped construct the transcontinental railroad, which vastly expanded economic growth and development across the country; and

WHEREAS, Asian Pacific American Heritage Month is celebrated annually with community festivals, government-sponsored events and educational activities for students; and

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have achieved at a high level in a variety of disciplines, including government, business, science, technology and the arts:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2009 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois, in recognition of the contributions made to our economy and culture by Asian Pacific Americans, and in tribute to all Asian Pacific Americans who call Illinois home.

Issued by the Governor April 29, 2009
Filed by the Secretary of State May 4, 2009

2009-166
LGC Day
WHEREAS, in 1983, prominent civic leaders recognized that Chicago needed to nurture a new generation of leaders; and

WHEREAS, through The Chicago Community Trust, this group of civic leaders launched Leadership Greater Chicago and its Fellows Program to educate diverse emerging leaders about the issues facing the region, connect them to each other, and mobilize them to make a deep commitment to the region; and

WHEREAS, in 1984, business, government and civic leaders nominated younger leaders to participate in LGC's first Fellows class. The founders designed a program that today retains their emphasis on a diverse leadership mix, a quality education program that explores the various challenges facing the Chicago region, and strong connections with senior leaders from all sectors; and

WHEREAS, since then, more than 730 Fellows have participated in the annual 10-month program, and continue to come together in a network of leaders through the Leadership Fellows Association; and

WHEREAS, LGC creates lifelong partnerships and develops community awareness among leaders in the Chicago metropolitan area; and

WHEREAS, LGC accomplishes its mission by building relationships characterized by respect, trust, and understanding among leaders who represent the diverse segments of Greater Chicago. Such representation includes race and ethnicity, gender, occupations, and the many communities of Greater Chicago; and

WHEREAS, LGC strives to familiarize these leaders with the multiple perspectives regarding Greater Chicago's challenges, opportunities, and resources; and

WHEREAS, after the completion of their fellowship, LGC actively encourages and enables these leaders to continue to be involved in the Greater Chicago community throughout their lives; and

WHEREAS, on May 13, 2009, Leadership Greater Chicago will celebrate its 25th Anniversary with a gala dinner and symposium:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 13, 2009 as LGC DAY in Illinois, in recognition of Leadership Greater Chicago's 25 years of dedication to creating lifelong partnerships and developing community awareness among leaders in the Chicago metropolitan area.
PROCLAMATIONS

Issued by the Governor April 29, 2009
Filed by the Secretary of State May 4, 2009

2009-167
Correctional Officers Week

WHEREAS, every day, the men and women who work in our state and county correctional facilities face great risks and in many cases, put their safety on the line as they perform their duties; and

WHEREAS, correctional officers are skilled professionals who must act as counselors, communicators and experts at crisis intervention. In addition, they must maintain their professional demeanor while often facing hostile, aggressive and intimidating behavior from prison inmates; and

WHEREAS, these officers must possess the intuitive sense to resolve conflicts and save lives, while also possessing the physical ability to restrain persons representing a danger to themselves and others; and

WHEREAS, we could not operate Illinois' prisons, correctional camps, transitional houses and county facilities without the hard work and sacrifices made each day by our correctional officers and their families; and

WHEREAS, the State of Illinois is pleased to join with the International Association of Correctional Officers and the American Correctional Association in celebrating Correctional Officers Week and in recognizing correctional officers for playing an integral role in this state by working hard to ensure the safety of inmates and of citizens in our communities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3 – 9, 2009 as CORRECTIONAL OFFICERS WEEK in Illinois, and encourage all citizens to pay special tribute to these men and women who serve faithfully, often with little thanks or recognition in serving to protect others.

Issued by the Governor April 30, 2009
Filed by the Secretary of State May 4, 2009

2009-168
Home Education Week
WHEREAS, the growth and development of school-age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and

WHEREAS, studies show that students who are educated at home typically score at or above the national average on standardized tests. Studies also confirm that children who are educated at home exhibit self-confidence and good citizenship, and are fully prepared academically to meet the challenges of today's society:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 3-9, 2009 as HOME EDUCATION WEEK in Illinois, and encourage all citizens to recognize the important role that home education plays in educating our children.

Issued by the Governor April 30, 2009
Filed by the Secretary of State May 4, 2009

2009-169
National Nurses Week

WHEREAS, the nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and
WHEREAS, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, that more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the U.S. health care delivery system in the future; and

WHEREAS, the American Nurses Association has declared the week of May 6-12 as National Nurses Week, with the theme "Nurses: Building a Healthy America," in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system:

THEREFORE, I, Pat, Quinn, Governor of the State of Illinois, do hereby proclaim May 6 – 12, 2009 as NATIONAL NURSES WEEK in Illinois, and encourage all citizens to recognize and honor nurses in their communities, for the hard work and invaluable services they provide for citizens.

Issued by the Governor April 30, 2009
Filed by the Secretary of State May 4, 2009
ILLINOIS ADMINISTRATIVE CODE
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