

# 2009

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 33, Issue 20  
May 15, 2009  
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**TABLE OF CONTENTS**

**May 15, 2009 Volume 33, Issue 20**

**PROPOSED RULES**

EMERGENCY MANAGEMENT AGENCY, ILLINOIS  
Administrative Hearings  
32 Ill. Adm. Code 200.....6592

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF  
Medical Assistance Programs  
89 Ill. Adm. Code 120.....6608

HUMAN SERVICES, DEPARTMENT OF  
Vending Facility Program for the Blind  
89 Ill. Adm. Code 650.....6621

**ADOPTED RULES**

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF  
Medical Payment  
89 Ill. Adm. Code 140.....6667

RACING BOARD, ILLINOIS  
Licensing  
11 Ill. Adm. Code 502.....6696

Licensing  
11 Ill. Adm. Code 1302.....6704

Licensing of Participants  
11 Ill. Adm. Code 1408.....6708

**EMERGENCY RULES**

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF  
Medical Assistance Programs  
89 Ill. Adm. Code 120.....6712

**PEREMPTORY RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF  
Pay Plan  
80 Ill. Adm. Code 310.....6724

**JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
May Agenda.....6756

**SECOND NOTICES RECEIVED**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Second Notices Received.....6762

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

REVENUE, DEPARTMENT OF  
2009 First Quarter Sales and Miscellaneous Tax Sunshine Index.....6763

**EXECUTIVE ORDERS AND PROCLAMATIONS**

PROCLAMATIONS

Gubernatorial Proclamation	
2009-156.....	6774
Automotive Service Professionals Week	
2009-157.....	6774
Day of Encouragement	
2009-158.....	6775
Emergency Medical Services Week	
2009-159.....	6776
Emergency Medical Services for Children Day	
2009-160.....	6777
Childhood Cancer Awareness Month	
2009-161.....	6777
Tee it Up for the Troops Day	
2009-162.....	6778
Provider Appreciation Day	
2009-163.....	6779
Student Council Week	
2009-164.....	6780
Asian Pacific American Heritage Month	
2009-165.....	6780
LGC Day	
2009-166.....	6781
Correctional Officers Week	
2009-167.....	6783
Home Education Week	
2009-168.....	6783
National Nurses Week	
2009-169.....	6784

## 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 preemptory 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

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
23	May 26, 2009	June 5, 2009
24	June 1, 2009	June 12, 2009
25	June 8, 2009	June 19, 2009
26	June 15, 2009	June 26, 2009
27	June 22, 2009	July 6, 2009
28	June 29, 2009	July 10, 2009
29	July 6, 2009	July 17, 2009
30	July 13, 2009	July 24, 2009
31	July 20, 2009	July 31, 2009
32	July 27, 2009	August 7, 2009
33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
35	August 17, 2009	August 28, 2009
36	August 24, 2009	September 4, 2009
37	August 31, 2009	September 11, 2009
38	September 8, 2009	September 18, 2009
39	September 14, 2009	September 25, 2009
40	September 21, 2009	October 2, 2009
41	September 28, 2009	October 9, 2009
42	October 5, 2009	October 16, 2009
43	October 13, 2009	October 23, 2009
44	October 19, 2009	October 30, 2009
45	October 26, 2009	November 6, 2009
46	November 2, 2009	November 13, 2009
47	November 9, 2009	November 20, 2009
48	November 16, 2009	November 30, 2009
49	November 23, 2009	December 4, 2009
50	November 30, 2009	December 11, 2009
51	December 7, 2009	December 18, 2009
52	December 14, 2009	December 28, 2009

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administrative Hearings
- 2) Code Citation: 32 Ill. Adm. Code 200
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
200.10	Amendment
200.20	Amendment
200.30	Amendment
200.40	Amendment
200.50	Amendment
200.60	Amendment
200.70	Amendment
200.90	Amendment
200.100	Amendment
200.110	Amendment
200.130	Amendment
200.140	Amendment
200.150	Amendment
200.160	Amendment
200.170	Amendment
200.180	Amendment
200.190	Amendment
200.210	Amendment
200.220	Amendment
200.230	Amendment
- 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

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## 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;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 200.10 Scope and Nature of Rules**

- a) Authority and Scope
- 1) Authority. ~~This~~~~The rules of this~~ Part ~~is~~~~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~~~~Department~~. All communications to the ~~Agency~~~~Department~~ 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~~~~rules~~. ~~This Part~~~~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 ~~this Part~~~~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~~~~Department~~ shall allow only attorneys licensed and registered to practice in this State to appear before it in administrative hearings, except that a natural person may appear on his or her own behalf. [420 ILCS 40/18]*
- b) Each party to a proceeding before the ~~Agency~~~~Department~~ shall inform the ~~Agency~~~~Department~~ 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 [AgencyDepartment](#) 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 [thesueh](#) failure delays or disrupts the proceeding, the [AgencyDepartment](#) or the hearing officer shall have the authority to prohibit [thatsueh](#) 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 [AgencyDepartment](#) are the [AgencyDepartment](#) 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 [issuedfiled](#) by the [AgencyDepartment](#).
- 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 [thesueh](#) attorney.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- d) Written pleadings, motions, affidavits, and other documents shall be filed ~~in~~ ~~triplicate~~ with the [AgencyDepartment](#) 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 [AgencyDepartment](#) 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 [AgencyDepartment](#).
- 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 [AgencyDepartment](#) 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~~ provision(s) of the ~~statute~~ statute(s), ~~regulations~~ regulation(s) or ~~term~~ 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 by which~~ a request for a hearing is to be submitted to the Agency Department, 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~~ action(s) that will be taken by the Agency Department 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 Department, the person must submit a request for a hearing within ~~thirty~~ (30) days ~~after the~~ of such denial.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 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~~~~such~~ request is not submitted by the date required in accordance with subsection (a), or if ~~the~~~~such~~ request is submitted but later withdrawn, the ~~action~~~~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.
- ~~ed~~) 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~~~~wherein~~ there is an immediate threat to public health or safety, the ~~Agency~~~~Department~~ may take action to immediately enjoin ~~the~~~~such~~ threat pending a hearing. ~~The~~~~Such~~ hearing shall be held within ~~thirty~~~~(30)~~ days ~~after~~~~of~~ the ~~Agency's~~~~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~~~~which~~ 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

hearing is requested, the Director of the [AgencyDepartment](#) 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## 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~~<sup>which</sup> 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~~<sup>Department's</sup> case in chief;
  - 4) Respondent's case in chief;
  - 5) ~~Agency's~~<sup>Department's</sup> 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**

## 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 ~~asuch~~ 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 ~~thesuch~~ changes in parties or substantive amendments ~~thatwhich~~ 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 ~~thatwhich~~ 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 ~~thatwhich~~ alleges ~~thesuch~~ 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 ~~thatwhich~~ is shown to be necessary to a full and fair disclosure of facts bearing upon matters in issue, provided that ~~thesuch~~ 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~~Department at the time the application was denied. If the hearing officer determines that ~~thesueh~~ additional evidence could have affected the ~~Agency's~~Department's decision to deny the application, the hearing officer shall suspend the hearing to enable appropriate representatives of the ~~Agency~~Department 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 ~~thosesueh~~ rules of 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, ~~thesueh~~ 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 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~~such witness as if under cross-examination.
- c) Any party may call any adverse party as a witness and proceed to examine ~~that~~such adverse party as if under cross-examination except that, if the Respondent wants to call a representative of the ~~Agency~~Department as an adverse witness, he/she may do so only if ~~the representative~~such representative(s) was directly involved in the determinations ~~that~~which served as the basis for the ~~Agency's~~Department'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~~Department'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.
- ~~b) Parties shall be notified either 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 they shall be afforded an opportunity to contest the material so~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~noticed. 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 objectionsthereon~~;
  - 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
  - 8) any ex-parte communication as defined by the ~~provisions of the~~ Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60). ~~The Such~~ communication shall not form the basis for any finding of fact.
- c) A copy of the record will be reproduced at the request of any party ~~involved. The requesting party shall bear to the review who bears~~ 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 with~~to~~ the Director 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 that~~, 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

- 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., 3<sup>rd</sup> 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)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## 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

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 PROPOSED 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](#))
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory rule suspended at 32 Ill. Reg. 8450, effective May 21, 2008; preemptory rule repealed, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory 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; preemptory rule repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; preemptory rule repealed at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## 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) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
650.10	Amendment
650.20	Amendment
650.30	Amendment
650.40	Amendment
650.50	Amendment
650.60	Amendment
650.70	Amendment
650.80	Amendment
650.90	Amendment
650.100	Amendment
650.110	Amendment
650.120	Amendment
650.130	Amendment
650.140	Amendment
650.150	Amendment
650.160	Amendment
- 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

## NOTICE OF PROPOSED AMENDMENTS

- 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, 3<sup>rd</sup> 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
650.20	Rights and Responsibilities of DHS- <del>DRSORS</del> as State Licensing Agency
650.30	Rights and Responsibilities of Vendors in the Program
650.40	Illinois Committee of Blind Vendors
650.50	Program Eligibility Requirements
650.60	Training
650.70	Certification of Vendors
650.80	Licensing of Vendors
650.90	Awarding of Facilities
650.100	Business Practices
650.110	Disciplinary Procedures for Vendors
650.120	Disciplinary Procedures for VR <del>Customers</del> <del>Clients</del> in Initial Training
650.130	Grievance Procedures for Vendors
650.140	Set-Aside Funds
650.150	Leaves of Absence
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].

**SOURCE:** Amended August 31, 1973; codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 10 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989; emergency amendment at 13 Ill. Reg. 15849, effective September 26, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18937, effective November 16, 1989; Part repealed, new Part adopted at 15 Ill. Reg. 2740, effective February 5, 1991; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 507, effective December 28, 1998; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 650.10 Definitions**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Active participation" means involvement of the Illinois Committee of Blind Vendors (~~ICBV~~), and negotiation between the Department of Human Services-~~Division~~Office 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 ~~consultanteounselor~~" 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 ~~Statestate~~ 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-~~Division~~Office of Rehabilitation Services.

"Facility" means the ~~location or locations~~location(s) 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.~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"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 ~~thesuch~~ sale and other expenses (excluding set-aside funds).

"Nominee agency" means a nonprofit agency or organization designated by DHS-DRSORS, through a written agreement, to act as DHS-DRSORS' 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~~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-DRSORS to a vendor~~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.~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Set-aside funds" ~~or "set-aside"~~ means funds ~~thatwhich~~ 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~~~~Federal~~ property ~~thatwhich~~ 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~~~~client~~ 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~~~~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 ~~Statestate~~ 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,~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~including skills, qualifications and experience; degree of responsibility; and number of hours and days worked;~~

- ~~ij)~~ 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 ~~consultant~~counselors trained in ~~business~~food practices and sanitation, vending and retail;
- ~~lm)~~ with building managers, develop contracts or permits ~~with building managers~~ 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 ~~vendors~~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~~unassigned facility, DHS shall ~~correct the~~ure that breach before the new vendor is inventoried in and DHS may hold the prior vendor responsible for costs associated with ~~the~~said ~~remedy~~ure if the vendor does not leave the facility at the level of security ~~required by Section~~as in 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) Vendors have the following rights:
- 1) to grieve disciplinary actions ~~under~~per Section 650.130;
  - 2) to grieve dissatisfaction with any action arising from the operation or administration of the Program ~~under,~~per 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 ~~facilities~~facility to which vendors are assigned;
  - 5) to bid on facilities for which a vendor is certified ~~under~~per 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~~per 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~~state and federal taxes, and fees (if applicable), related to ~~the~~ sales, operations of the facility, and ~~facility's~~ employees, within prescribed due dates;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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)4) devoting full time, ~~a~~ (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)5) considering advice presented by the business ~~consultant~~~~counselor~~ or other Program personnel employed by DHS or the nominee agency (e.g., ~~advice~~~~advise~~ concerning loss control, security, equipment maintenance and repair, and customer relations);
- 7)6) notifying DHS of ~~the vendor's~~~~his/her~~ current address, electronic address, TTY and telephone number within five days ~~after~~~~of~~ a change; and
- 8)7) 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;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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. ~~Those~~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 ~~thesuch~~ 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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/relief, 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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~~~~clients~~ 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 in~~ Section 650.50;
  - B) be a ~~VR customer~~~~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; and
    - 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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 three~~four~~ 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 counselor, and notified of the right to appeal under~~per~~ 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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~~ ~~counselor'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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 per subsection~~ (d)(2) and (3)-~~of this Section~~, the vendor ~~will~~shall 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-~~DRSORS~~.

(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~~screening committee shall be composed of the ~~supervisor~~Supervisor, or designee, and the trainers employed by DHS, and shall employ the active participation of ICBV or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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; ~~and~~
  - 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- e) ~~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.~~
- b)d) All ~~active~~ licenses will be reviewed by the ~~supervisor~~ Supervisor at the beginning of each calendar year to determine if ~~the vendor is currently certified, they should be inactivated or renewed or terminated per Section 650.110(g).~~ Notification of the status of certification will be made by the supervisor to the vendor in writing.
- e) ~~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.~~
- c)f) ~~An~~ To activate a ~~inactive license, 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.~~
- g) ~~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 (e) 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.~~

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 650.90 Awarding of Facilities**

- a) ~~Any~~ vendor with ~~an interim or~~ an active license or a graduate of training holding appropriate ~~certification~~ certification(s) may bid on an available facility for which ~~he or she is~~ they are certified ~~under, pursuant to~~ Section 650.70. Before a vendor may bid on a facility, a current annual evaluation is required to be on record.
- b) DHS shall send notification of all facility openings to all vendors and ~~also to~~ individuals appropriately certified ~~under~~ graduates of training per Section 650.6070(a). The bid announcement will include:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~ ~~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~~ ~~periods~~ 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; and
  - 9) the Program's Bid Application (IL488-2048).
- c) Every licensed and appropriately certified vendor and appropriately certified graduate of training, ~~under~~ ~~per~~ 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~~ Chair the Committee; a DHS-DRS VR Counselor ~~or 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~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~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~~assure all relevant information and forms are available in an accessible format as required by the individual committee member, which ~~includes~~include:
  - 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~~13 periods~~, shall be included with the annual evaluation;
  - C) Profit and Loss statements from the preceding 12 months~~13 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)~~13 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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~~ carries out his/her facility responsibilities, in compliance with this Part;
  - 4) Discipline – oral and written reprimands within the previous ~~12 months~~ 13 periods and suspensions imposed within the previous ~~two~~ three years from the date the bid is due. Information from proposed disciplinary actions and grievances of ~~those actions~~ them 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;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~<sup>services</sup>) 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~~<sup>per</sup> 89 Ill. Adm. Code 510.
  - j) Within two days ~~after~~<sup>of</sup> the decision to award a facility, DHS will send the successful applicant a written offer of the facility and a ~~Vendor Agreement~~<sup>vendor agreement</sup> for that facility. Within five days ~~after~~<sup>of</sup> receipt of the offer, the vendor must mail the signed ~~Vendor Agreement~~<sup>vendor agreement</sup> (IL488-2046)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

and a letter of acceptance to the ~~supervisor~~Supervisor. Within ~~10~~ten days ~~after~~of receipt of the offer, the vendor must notify the ~~supervisor~~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 40<sup>th</sup> day.

- k) If the applicant does not accept the offer within five days ~~after~~of 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~~of 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~~inventory, 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~~state, county, and local health codes

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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 ~~thesesueh~~ 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~~ ~~per~~ 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~[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](#)~~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](#)~~produceable~~ 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~~.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 ~~thesethe~~ 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, ~~Statestate~~ 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 writtenan 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 ~~consultanteounselors~~ 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 ~~avoidsshall avoid the~~ repeated

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

violation of a variety of ~~thesethe~~ 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;<sub>5</sub>
  - 2) written reprimand;<sub>5</sub>
  - 3) suspension;<sub>5</sub>
  - 4) loss of facility;<sub>5</sub> 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, ~~and the lead vendor, in a multi-vendor facility,~~ business ~~consultanteounselor, andSupervisor, and/or~~ the DHS Supervisor of ~~Personnel and TrainingSupport Services~~. An oral reprimand must occur within five days ~~after~~ of 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 ~~thatwhich~~ occurred within the last 30 days. The oral reprimand shall identify the ~~rules~~rule(s) 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,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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~~ ~~Supervisor which~~ shall include the time ~~and~~ date of violation, nature of the violation, corrective measures required, ~~the~~ date of ~~thesuch~~ oral reprimand, ~~the~~ vendor's comments and ~~the~~ vendor's signature. A copy shall also be provided to the vendor. The ~~supervisor~~ ~~Supervisor~~ shall, within ~~10ten~~ days ~~afterof~~ receipt, review the written report.
    - A) If the ~~supervisor~~ ~~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~~ ~~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 ~~thatwhich~~ 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

practices set forth in Section 650.100(c), (g), (i), (l), (n), (o), (r), (x), and (y).

- 2) Within ~~10~~ten days ~~after~~of the ~~supervisor's~~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~~which~~:
    - A) outline~~outlines~~ the events leading to the reprimand;
    - B) explains the violation of this Part~~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~~of the date of the written reprimand or when an immediate suspension is warranted pursuant to~~per~~ subsection (e)(5) of this Section. The Administrator shall determine if suspension is warranted and, if so,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

the length of the suspension based on subsection (e)(3) ~~of this Section~~, and the effective date of the suspension.

- 2) ~~If~~When 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~~periods 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 ~~after~~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~~per 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~~, which have not been

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- overturned, for any reason in a two-year period;
- B) the vendor receives two suspensions ~~that~~ which 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~~ shall 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 ~~months~~ 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 ~~months~~ periods, DHS ~~will~~ shall 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~~ shall make written recommendations to improve the actual gross profit percentage. If after two more ~~months~~ 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);

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 byper](#) 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~~ Clients 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 [underper](#) 89 Ill. Adm. Code 510. A vendor wishing to appeal discipline may do so [underper](#) Section 650.130440.
- c) The following actions shall begin with the discipline shown and progress as follows: oral reprimand or written reprimand, suspension from training for one

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

day and termination from training.

- 1) Leaving training during scheduled hours without permission. Oral reprimand.
- 2) Sleeping during training. Oral reprimand.
- 3) Failing to report any injury. 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.
- 5) Failing to obey rules of [the Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired](#)~~the Illinois Visually Handicapped Institute~~ as set forth in 89 Ill. Adm. Code 730. [Reprimand or disciplinary action shall be consistent with 89 Ill. Adm. Code 730.650.](#)~~Oral reprimand.~~
- 6) Failing to notify the ~~training~~[Training](#) staff by 7:00 a.m. ~~on~~ any day the trainee is unable to attend classroom training. Oral reprimand.
- 7) Failing to notify the ~~training~~[Training](#) staff before the scheduled starting time of the inability to attend on-the-job 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 that 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~ 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 ~~under~~ 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:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~ hearing must be received by the Hearings Coordinator within 15 days from the date of receipt of the Level I ~~Hearing~~ hearing decision notice. The request shall be in writing, be addressed to the DHS Hearings Coordinator at 100 South Grand Avenue East, 3<sup>rd</sup> Floor ~~P.O. Box 19429~~, Springfield, Illinois ~~62762~~ 62794-9429, ~~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 ~~in which~~ 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 ~~that~~ 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 ~~cases~~ by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination of witnesses as may be required for a 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;<sup>25</sup>
    - ii) an understanding of the applicable rules (89 Ill. Adm. Code 650);<sup>25</sup>
    - iii) the ability to preside over the evidentiary hearing;<sup>25</sup> and

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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~~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~~decision
- A) Within 15 days after the hearing is adjourned, the Hearing Officer shall provide a recommendation to the ~~Associate~~Director of ~~DHS-~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~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~~basis therefore~~.

- 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~~fact~~ 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~~per~~ 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~~identifying~~ the vendor

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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 ~~Braillebrailled~~, 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~~per 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;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 issueh employee(s) 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 Officerhearing officer 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 thatwhich has been made available to the other party may be considered by the Administrator or Hearing Officer.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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 ~~thesueh~~ files, but only after the names, addresses, and identifying characteristics of any vendors involved have been removed.
  - 2) The ~~Associate~~ Director of ~~DHS-DRSORS~~ reserves the right to submit the record of the Level II Hearing to the appropriate ~~Statestate~~ 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.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) DHS may authorize the nominee agency to collect set-aside funds thatwhich 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 only 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 thatwhich 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 yearsix 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 inper 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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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~~, ~~Supervisor~~ using best business ~~judgment~~, ~~judgement~~, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months, after which ~~time~~ the provisions of subsection (a)(3) ~~of this Section~~ take effect. Operation of the facility will be returned to the vendor ~~when upon~~ a physician's written verification is received 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 is not required. However, the vendor must provide a trained replacement person.
- B) If a vendor takes more than four consecutive days of personal

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

leave at any one time, ~~it requires~~ five days prior notification to the ~~supervisor is required~~ 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~~ 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~~ 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~~ 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~~ 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~~ 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~~

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~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).~~
- e) ~~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.~~
- a)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.
- b)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 \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.6	Amendment	32 Ill. Reg. 13570; October 5, 2007
140.454	Amendment	32 Ill. Reg. 10782; July 18, 2008

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.455	Amendment	32 Ill. Reg. 10782; July 18, 2008
140.413	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.435	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.436	Amendment	32 Ill. Reg. 13761; August 22, 2008
140.14	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.16	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.44	Amendment	32 Ill. Reg. 14003; August 29, 2008
140.414	Emergency	32 Ill. Reg. 18121; December 1, 2008
140.422	Emergency	32 Ill. Reg. 18121; December 1, 2008
140.427	Emergency	32 Ill. Reg. 18121; December 1, 2008
140.443	Emergency	32 Ill. Reg. 18121; December 1, 2008

- 15) Summary and Purpose of Amendments: At its May 20, 2008 meeting, JCAR objected to and suspended the original preemptory amendments, effective April 1, 2008, on the grounds it was an unauthorized use of preemptory rulemaking. The objection and suspension appeared at 32 Ill. Reg. 8449 and took effect on May 21, 2008. At its November 12<sup>th</sup> meeting, JCAR voted to withdraw the suspension (see 32 Ill. Reg. 18323) contingent upon HFS filing an emergency repeal of the preemptory 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 preemptory 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, 3<sup>rd</sup> 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

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit (Repealed)
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – <a href="#">Physicians Prescribers</a>
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists <del>(Repealed)</del>
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry <del>(Repealed)</del>
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 140.445 Legend Prescription Items (Not Compounded)
- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Providers
- 140.471 Description of Home Health Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

## SUBPART E: GROUP CARE

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## SUBPART F: FEDERAL CLAIMING FOR STATE AND

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## LOCAL GOVERNMENTAL ENTITIES

## Section

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

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## Section

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.932 Payment Authorization for Referrals (Repealed)

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

## Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

- 140.990 Primary Care Case Management Program
- 140.991 Primary Care Provider Participation Requirements
- 140.992 Populations Eligible to Participate in the Primary Care Case Management Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

140.993	Care Management Fees
140.994	Panel Size and Affiliated Providers
140.995	Mandatory Enrollment
140.996	Access to Health Care Services
140.997	Payment for Services

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

140.1001	Registration Conditions for Alternate Payees
140.1002	Participation Requirements for Alternate Payees
140.1003	Recovery of Money for Alternate Payees
140.1004	Conditional Registration for Alternate Payees
140.1005	Revocation of an Alternate Payee
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules 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; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items –  
PhysiciansPrescribers**

~~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 ~~physicianprescriber~~ may prescribe any pharmacy item not otherwise excluded which, in the ~~physician'sprescriber's of any drug except as~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

~~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~~ may 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 ~~A prescriber~~ 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 control 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 ~~all data elements required under federal and state laws and regulations, as well as one of the following data elements identifying the prescriber:~~

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 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 that~~ 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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 physicianprescriber may dispense pharmacy items listed in the Drug Manual (Section 140.72). The physiciansubject to the Department's coverage policies. The 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 physicianprescriber 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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 form 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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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 Identifier (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

## NOTICE OF ADOPTED AMENDMENTS

~~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.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- b)e) Pharmacies shall not accept blank, presigned prescription forms.
- c)d) 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)e) 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)f) The Department shall pay for refills only if the prescribing practitioner authorized refills on the original prescription in accordance with State law.
- f)g) 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)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
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 ~~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 ~~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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 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

NOTICE OF ADOPTED AMENDMENTS

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

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)].

**SOURCE:** Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective June 1, 1998; amended at 28 Ill. Reg. 11244, effective August 1, 2004; amended at 29 Ill. Reg. 10248, effective August 1, 2005; amended at 32 Ill. Reg. 7391, effective May 1, 2008; amended at 33 Ill. Reg. 6696, effective May 1, 2009.

## 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

## NOTICE OF ADOPTED AMENDMENTS

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 ~~thesueh~~ 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](http://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 Subpart~~Subparts~~ B ~~and~~/or 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, EMT~~paramedics and EMT's~~, dentists, social workers, and

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

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 that 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 Stewardsstewards shall allow the trainer to have an assistant trainer.

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

**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~~18 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)~~these rules~~; 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)

## SUBPART H: OTHER LICENSEES

**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 ~~the~~such application, file with the ~~State Veterinarian~~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~~state veterinarian shall approve the list annually.

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 1302
- 3) Section Number: 1302.90                      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. 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:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACINGPART 1302  
LICENSING

## Section

1302.10	License to Participate (Repealed)
1302.20	Application for License (Repealed)
1302.30	License Fee (Repealed)
1302.40	Applicant Assent and Agreement (Repealed)
1302.50	License Revocable (Repealed)
1302.60	Power To Deny License (Repealed)
1302.70	Reasons for Denial or Revocation of License (Repealed)
1302.80	Unfit for License (Repealed)
1302.90	Possession of Credentials
1302.100	Unauthorized Use of Credentials
1302.110	Hearing on License Suspension
1302.200	Absence of Trainers
1302.220	Minimum Age (Repealed)
1302.230	Licensed Concessionaire

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10919; emergency amendment at 6 Ill. Reg. 9713, effective July 27, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 13789, effective October 25, 1982; amended at 11 Ill. Reg. 20207, effective December 1, 1987; amended at 33 Ill. Reg. 6704, effective May 1, 2009.

**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~~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, it agents or employees, and by or officials of the

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

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.

- 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)

## ILLINOIS RACING BOARD

## 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

NOTICE OF ADOPTED AMENDMENT

Chicago, Illinois 60601

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER 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)].

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10970; amended at 7 Ill. Reg. 1427, effective January 24, 1983; amended at 11 Ill. Reg. 20209, effective December 1, 1987; amended at 15 Ill. Reg. 5745, effective April 4, 1991; amended at 33 Ill. Reg. 6708, effective May 1, 2009.

**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 preemptory 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 preemptory 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 preemptory amendment that was published at 32 Ill. Reg. 18906, effective November 19, 2008.
- 10) Complete Description of the Subjects and Issues Involved: The suspended preemptory 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 preemptory 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 preemptory amendment on the grounds it was an unauthorized use of preemptory 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 preemptory amendment and the notice of this action is published at 33 Ill. Reg. 6551. This rulemaking is the emergency repeal of that preemptory amendment.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.335	Amendment	33 Ill. Reg. 5683; April 17, 2009
120.381	Amendment	33 Ill. Reg. 5683; April 17, 2009
120.310	Amendment	33 Ill. Reg. 5994; April 24, 2009

- 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

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 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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory rule suspended at 32 Ill. Reg. 8450, effective May 21, 2008; peremptory rule repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment 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; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## 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)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## 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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.47	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.80	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.100	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.130	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.220	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.260	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.270	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.410	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.490	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.500	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE A	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE B	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE D	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE F	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE H	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE I	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE J	Amendment	33 Ill. Reg. 4588; April 3, 2009
310.APPENDIX A TABLE K	Amendment	33 Ill. Reg. 4588; April 3, 2009

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## 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 preemptory 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 Preemptory 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) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Hearings Referee	18300	RC-010	23
Hearings Referee – Intermittent	18301	RC-010	23H
Public Service Administrator, Option 8L Department of Public Health	37015	RC-010	24
<a href="#">Public Service Administrator, Option 8L (Administrative Law Judge) Departments of Healthcare and Family Services, and Human Services</a>	<a href="#">37015</a>	<a href="#">RC-010</a>	<a href="#">24</a>
Technical Advisor Advanced Program Specialist	45256	RC-010	24
Technical Advisor I	45251	RC-010	18
Technical Advisor II	45252	RC-010	20
Technical Advisor III	45253	RC-010	23

**Effective January 1, 2008  
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23H	B	29.53	30.40	31.30	32.24	33.95	35.69	37.39	39.11	40.81	43.37	45.11
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Effective January 1, 2009**  
**Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
18	B	3700	3806	3916	4033	4227	4425	4626	4814	5008	5306	5519
18	Q	3863	3974	4091	4214	4422	4625	4836	5033	5233	5547	5769
20	B	4113	4237	4362	4491	4718	4938	5172	5398	5621	5962	6201
20	Q	4300	4427	4558	4694	4930	5162	5407	5639	5875	6233	6482
23	B	4870	5014	5163	5318	5600	5887	6167	6451	6731	7154	7441
23	Q	5088	5238	5397	5561	5855	6155	6444	6742	7035	7475	7774
23H	B	29.97	30.86	31.77	32.73	34.46	36.23	37.95	39.70	41.42	44.02	45.79
24	B	5181	5336	5495	5660	5961	6274	6574	6878	7188	7639	7944

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 6724, effective May 1, 2009)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
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
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option 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
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12
<a href="#">Employment Security Field Office Supervisor</a>	<a href="#">13600</a>	<a href="#">RC-062</a>	<a href="#">20</a>
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20
Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
<a href="#">Mental Health Recovery Support Specialist I</a>	<a href="#">26921</a>	<a href="#">RC-062</a>	<a href="#">17</a>
<a href="#">Mental Health Recovery Support Specialist II</a>	<a href="#">26922</a>	<a href="#">RC-062</a>	<a href="#">18</a>
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
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
Revenue Tax Specialist Trainee	38575	RC-062	10
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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
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**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12H	B	17.46	17.90	18.35	18.83	19.52	20.17	20.92	21.60	22.40	23.60	24.54
12H	Q	18.18	18.62	19.10	19.61	20.33	21.00	21.81	22.55	23.37	24.65	25.63
12H	S	18.55	19.00	19.49	19.99	20.72	21.40	22.23	22.98	23.81	25.09	26.09
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
14H	B	18.84	19.32	19.85	20.38	21.15	21.98	22.94	23.78	24.68	26.12	27.16
14H	Q	19.62	20.14	20.68	21.24	22.05	22.95	23.94	24.85	25.80	27.29	28.38
14H	S	20.00	20.52	21.07	21.64	22.49	23.37	24.38	25.28	26.24	27.72	28.83
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	J	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	U	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659
23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	J	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	J	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	U	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
27	B	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	J	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	U	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
28	B	6377	6567	6765	7105	7491	7887	8288	8675	9064	9651	10037
29	U	6692	6892	7100	7456	7861	8276	8698	9103	9512	10127	10532

**Effective January 1, 2009**  
**Bargaining Unit: RC-062**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
9	B	2592	2656	2722	2790	2877	2969	3060	3159	3252	3405	3541
9	Q	2697	2762	2831	2903	2992	3090	3184	3288	3386	3548	3691
9	S	2759	2827	2894	2964	3055	3152	3250	3354	3452	3616	3761
10	B	2678	2742	2811	2880	2985	3073	3175	3275	3377	3549	3692
10	Q	2784	2850	2921	2996	3104	3199	3307	3411	3518	3705	3854
10	S	2844	2914	2984	3058	3167	3264	3372	3476	3588	3775	3926
11	B	2772	2841	2914	2986	3088	3187	3302	3411	3517	3703	3852
11	Q	2884	2955	3029	3106	3217	3322	3441	3556	3668	3867	4021
11	S	2948	3019	3092	3168	3280	3385	3506	3623	3738	3935	4092
12	B	2881	2953	3027	3106	3220	3326	3450	3563	3695	3893	4048

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

12	Q	2998	3071	3150	3234	3353	3464	3597	3720	3855	4065	4227
12	S	3060	3134	3215	3297	3418	3530	3666	3790	3927	4138	4303
12H	B	17.73	18.17	18.63	19.11	19.82	20.47	21.23	21.93	22.74	23.96	24.91
12H	Q	18.45	18.90	19.38	19.90	20.63	21.32	22.14	22.89	23.72	25.02	26.01
12H	S	18.83	19.29	19.78	20.29	21.03	21.72	22.56	23.32	24.17	25.46	26.48
13	B	2986	3061	3139	3223	3341	3469	3598	3730	3870	4084	4248
13	Q	3106	3186	3269	3357	3480	3617	3759	3896	4039	4268	4439
13	S	3168	3251	3335	3421	3547	3686	3830	3965	4113	4342	4516
14	B	3108	3187	3274	3361	3489	3625	3783	3922	4070	4308	4480
14	Q	3236	3322	3410	3503	3637	3785	3949	4099	4255	4502	4681
14	S	3299	3385	3475	3569	3709	3854	4021	4170	4328	4573	4755
14H	B	19.13	19.61	20.15	20.68	21.47	22.31	23.28	24.14	25.05	26.51	27.57
14H	Q	19.91	20.44	20.98	21.56	22.38	23.29	24.30	25.22	26.18	27.70	28.81
14H	S	20.30	20.83	21.38	21.96	22.82	23.72	24.74	25.66	26.63	28.14	29.26
15	B	3228	3312	3402	3494	3649	3799	3947	4109	4261	4518	4698
15	Q	3362	3451	3546	3646	3806	3965	4124	4296	4454	4719	4909
15	S	3427	3515	3614	3714	3877	4034	4198	4368	4525	4794	4985
16	B	3371	3461	3556	3658	3821	3991	4156	4331	4503	4769	4959
16	Q	3511	3609	3712	3818	3991	4171	4345	4524	4706	4986	5186
16	S	3581	3680	3782	3890	4063	4245	4420	4597	4780	5055	5257
17	B	3520	3619	3724	3833	4009	4194	4372	4549	4734	5015	5216
17	Q	3672	3778	3888	3999	4191	4383	4566	4752	4946	5240	5451
17	S	3740	3848	3959	4071	4264	4458	4642	4825	5018	5317	5529
18	B	3700	3806	3916	4033	4227	4425	4626	4814	5008	5306	5519
18	Q	3863	3974	4091	4214	4422	4625	4836	5033	5233	5547	5769
18	S	3932	4043	4166	4284	4492	4698	4908	5106	5308	5618	5843
19	B	3894	4007	4125	4251	4467	4678	4895	5101	5314	5637	5863
19	J	3894	4007	4125	4251	4467	4678	4895	5101	5314	5637	5863

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

19	Q	4066	4188	4314	4442	4669	4886	5119	5332	5555	5890	6126
19	S	4139	4262	4388	4517	4743	4961	5191	5406	5630	5963	6202
20	B	4113	4237	4362	4491	4718	4938	5172	5398	5621	5962	6201
20	Q	4300	4427	4558	4694	4930	5162	5407	5639	5875	6233	6482
20	S	4370	4499	4631	4768	5003	5233	5479	5712	5947	6303	6555
21	B	4341	4472	4605	4742	4987	5227	5471	5721	5959	6331	6583
21	U	4341	4472	4605	4742	4987	5227	5471	5721	5959	6331	6583
21	Q	4537	4674	4811	4956	5213	5461	5719	5979	6229	6616	6880
21	S	4609	4746	4884	5030	5283	5535	5792	6052	6300	6689	6957
22	B	4588	4727	4870	5014	5275	5533	5794	6063	6314	6707	6976
22	Q	4796	4940	5088	5238	5513	5784	6055	6335	6601	7009	7289
22	S	4869	5012	5161	5314	5584	5857	6126	6409	6676	7084	7367
23	B	4870	5014	5163	5318	5600	5887	6167	6451	6731	7154	7441
23	Q	5088	5238	5397	5561	5855	6155	6444	6742	7035	7475	7774
23	S	5161	5314	5471	5633	5926	6226	6517	6815	7106	7548	7849
24	B	5181	5336	5495	5660	5961	6274	6574	6878	7188	7639	7944
24	J	5181	5336	5495	5660	5961	6274	6574	6878	7188	7639	7944
24	Q	5413	5574	5744	5917	6232	6556	6871	7186	7512	7984	8303
24	S	5486	5647	5816	5990	6302	6627	6943	7260	7586	8056	8378
25	B	5522	5686	5858	6033	6363	6699	7033	7367	7702	8196	8525
25	J	5522	5686	5858	6033	6363	6699	7033	7367	7702	8196	8525
25	Q	5770	5944	6119	6303	6650	6998	7351	7701	8050	8566	8909
25	S	5846	6015	6197	6378	6723	7070	7422	7772	8120	8639	8985
26	B	5835	6009	6193	6438	6790	7150	7513	7863	8217	8747	9097
26	U	5835	6009	6193	6438	6790	7150	7513	7863	8217	8747	9097
27	B	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708
27	J	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708
27	U	6168	6352	6544	6872	7246	7629	8016	8391	8768	9335	9708

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

1. Married Families Domestic Violence Grants (89 Ill. Adm. Code 1110)
  - 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

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
MAY AGENDA

-Expiration of Second Notice: 6/4/09

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
8. Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 Ill. Adm. Code 501)
  - First Notice Published: 33 Ill. Reg. 1 – 1/2/09
  - Expiration of Second Notice: 5/23/09

Environmental Protection Agency

9. Permit Fees for Installing or Extending Sewers (35 Ill. Adm. Code 320)
  - First Notice Published: 33 Ill. Reg. 3576 – 2/27/09
  - Expiration of Second Notice: 6/4/09

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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
11. Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill. Adm. Code 2008)
  - 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
13. Medical Payment (89 Ill. Adm. Code 140)
  - First Notice Published: 32 Ill. Reg. 18121 – 12/1/08
  - Expiration of Second Notice: 6/7/09
14. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
  - First Notice Published: 33 Ill. Reg. 1413 – 1/23/09
  - Expiration of Second Notice: 5/21/09
15. Child Support Enforcement (89 Ill. Adm. Code 160)
  - First Notice Published: 33 Ill. Reg. 3030 – 2/13/09
  - Expiration of Second Notice: 5/29/09

Pollution Control Board

16. Control of Emissions from Large Combustion Sources (35 Ill. Adm. Code 225)
  - First Notice Published: 32 Ill. Reg. 18507 – 12/5/08
  - Expiration of Second Notice: 5/31/09
17. Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)
  - First Notice Published: 32 Ill. Reg. 16303 – 10/10/08
  - Expiration of Second Notice: 5/23/09

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
MAY AGENDA

Property Tax Appeal Board

18. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)  
-First Notice Published: 33 Ill. Reg. 3664 – 2/27/09  
-Expiration of Second Notice: 6/3/09

Public Health

19. Freestanding Emergency Center Demonstration Program Code (77 Ill. Adm. Code 518)  
-First Notice Published: 32 Ill. Reg. 18149 – 12/1/08  
-Expiration of Second Notice: 6/7/09
20. Child Health Examination Code (77 Ill. Adm. Code 665)  
-First Notice Published: 32 Ill. Reg. 14465 – 9/5/08  
-Expiration of Second Notice: 6/15/09

Secretary of State

21. Issuance of Licenses (92 Ill. Adm. Code 1030)  
-First Notice Published: 33 Ill. Reg. 3965 – 3/6/09  
-Expiration of Second Notice: 6/4/09
22. Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)  
-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

24. General Provisions (23 Ill. Adm. Code 2700)  
-First Notice Published: 33 Ill. Reg. 2073 – 2/6/09  
-Expiration of Second Notice: 5/20/09

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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
26. Nurse Educator Scholarship Program (23 Ill. Adm. Code 2759)
  - 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)

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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

35. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)  
-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

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/13/09	<u>Secretary of State</u> , Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)	3/6/09 33 Ill. Reg. 3956	5/19/09

## 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	Tobacco Products Tax Act
Sale for Resale	Use Tax
Service Occupation Tax	
Telecommunications Excise Tax	
Temporary Storage	

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/](http://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.

ST 09-0049-GIL 03/27/2009 This letter discusses sales of software. 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 &amp; 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.

## DEPARTMENT OF REVENUE

## 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 retailers 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 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 &amp; 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.
- ST 09-0034-GIL 03/17/2009 Sales of memberships generally are not subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code Part 130.101.
- ST 09-0044-GIL 03/23/2009 This letter discusses Nexus, Retailers' Occupation Tax, Use Tax, Service Occupation Tax, Exempt Organizations, Local Taxes, Construction Contractors, and Shipping. See, 86 Ill. Adm. Code 130.101 et seq.
- ST 09-0045-GIL 03/23/2009 This letter discusses Nexus, Retailers' Occupation Tax, Use Tax, Service Occupation Tax, Exempt Organizations, Local Taxes, Construction Contractors. See 86 Ill. Adm. Code 130.1940, 86 Ill. Adm. Code 130.2075, 86 Ill. Adm. Code 140.101, and 86 Ill. Adm. Code 270.115.

## NEWSPRINT &amp; 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).
- ST 09-0021-GIL 01/12/2009 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992).

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 09-0032-GIL 03/16/2009 This letter discusses nexus. See *Quill Corp. v. North Dakota*, 112 S.Ct. 1904 (1992).

## 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.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

USE TAX

- ST 09-0012-GIL      01/08/2009 Section 3 of the Illinois Use Tax Act, 35 ILCS 105/3, imposes a tax upon the privilege of using in this State tangible personal property purchased at retail from a retailer. See 86 Ill. Adm. Code 150.101.
- 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

## PROCLAMATIONS

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:

## PROCLAMATIONS

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

## PROCLAMATIONS

**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

## PROCLAMATIONS

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

## PROCLAMATIONS

WHEREAS, the Friday closest to September 11<sup>th</sup> 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

## PROCLAMATIONS

Filed by the Secretary of State May 4, 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 75<sup>th</sup> 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**

## PROCLAMATIONS

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**

## PROCLAMATIONS

- 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 25<sup>th</sup> 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**

## PROCLAMATIONS

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

## PROCLAMATIONS

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.

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**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 33, Issue 20 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

32 - 200	.....	6592
89 - 120	.....	6608
89 - 650	.....	6621

**ADOPTED RULES**

89 - 140	4/29/2009	.....	6667
11 - 502	5/1/2009	.....	6696
11 - 1302	5/1/2009	.....	6704
11 - 1408	5/1/2009	.....	6708

**EMERGENCY RULES**

89 - 120	4/28/2009	.....	6712
----------	-----------	-------	------

**PEREMPTORY RULES**

80 - 310	5/1/2009	.....	6724
----------	----------	-------	------

**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

09 - 156	4/28/2009	.....	6774
09 - 157	4/24/2009	.....	6774
09 - 158	4/24/2009	.....	6775
09 - 159	4/24/2009	.....	6776
09 - 160	4/24/2009	.....	6777
09 - 161	4/24/2009	.....	6777
09 - 162	4/24/2009	.....	6778
09 - 163	4/24/2009	.....	6779
09 - 164	4/27/2009	.....	6780
09 - 165	4/29/2009	.....	6780
09 - 166	4/29/2009	.....	6781
09 - 167	4/30/2009	.....	6783
09 - 168	4/30/2009	.....	6783
09 - 169	4/30/2009	.....	6784

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