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AGENCIES



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INTRODUCTION

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

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or 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

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
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
23	May 26, 2009	June 5, 2009

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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
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32	July 27, 2009	August 7, 2009
33	August 3, 2009	August 14, 2009
34	August 10, 2009	August 21, 2009
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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
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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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5000.340	Amendment
5000.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 405-300, 405-210 and 405-215 of the Civil Administrative Code [20 ILCS 405] and Sections 40-5, 40-10 of the Illinois Procurement Code, and authorized by Section 6 of the State Property Control Act [30 ILCS 605]
- 5) A Complete Description of the Subjects and Issues Involved: The currently existing rules governing Space Allowance and Standards for planning office space, size and layout are incorporated in an Appendix A, which is proposed to be repealed by this rulemaking. New standards are being proposed to create benchmarks for allocating area per person for purposes of enhancing the economic performance of office space. Examples include, but are not limited to, enclosed interior private office space being set at 150 square feet or less and the use of private office space not limited to hierarchical organization in the determination of need. In open interior office space, whether such space is defined or not defined by systems furniture components, the standard is set at 64 square feet or less with not less than 2 field personnel being assigned to each work station. Standards for conference rooms, storage areas, break areas, vending areas and other similar spaces, subject to local building codes, are also established. A preference for the use of existing space with minimum re-configuration is created to reduce the use of virgin materials for improvements over and above strict conformance with performance standards, if economic feasibility can be demonstrated. Reservation of exceptions to the new office space standards established under the proposed rules can be made by CMS upon written justification by an agency.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: This proposed rulemaking is offered pursuant to a recommendation to the Chief Procurement Officer of CMS by the Procurement Policy Board.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/785-1793
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated by CMS but rather recommended by the Procurement Policy Board.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section

- 5000.100 Authority
- 5000.110 Policy
- 5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section

- 5000.200 General Policy and Responsibility
- 5000.210 Requests for Space/Agency Responsibilities
- 5000.220 Acquisition Authority
- 5000.230 General Acquisition Procedures
- 5000.231 Acquisition of Leases by RFI
- 5000.232 Leases Acquired by Other Methods
- 5000.233 Renewal or Extension of Lease in Effect Prior to July 1, 1998
- 5000.234 Renewal of Leases Entered into After July 1, 1998
- 5000.235 Purchase Options
- 5000.240 Lease Administration
- 5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section

- 5000.300 Scope
- 5000.310 Area Measurement
- 5000.320 Space Planning Assistance
- 5000.330 Open Space
- 5000.340 [Office Space Standards for Sustainable Practices](#)~~Space Allowance and Standards~~
- 5000.350 Office Furnishing

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 5000.360 Handicapped Accessibility
- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space Not Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

- 5000.700 Surplus Real Property Defined
- 5000.710 Declaration of Surplus

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NOTICE OF PROPOSED AMENDMENTS

5000.720	Reporting Surplus Real Property
5000.730	Notice of Availability to State Agencies
5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section	
5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets
5000.970	Severability

5000.APPENDIX A	Space Standards (Repealed)
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605/7.1], implementing and authorized by Sections 5-675, 405-215, 405-300, 405-305, 405-310 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675 and 20 ILCS 405/405-215, 405-300, 405-305, 405-310, 405-315] and authorized by Section 6 of the State Property Control Act [30 ILCS 605/6] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg.

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7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006; amended at 33 Ill. Reg. _____, effective _____.

SUBPART C: BUILDING STANDARDS

Section 5000.340 Office Space Standards for Sustainable Practices~~Space Allowance and Standards~~

- a) Enclosed Interior Office Space Standards
 - 1) Enclosed private office space shall be 150 square feet or less.
 - 2) Private office space is for use only where job functions require a high level of security and have a primary and continuous function of confidential business.
 - 3) Use of private office space is not limited to hierarchical organization positions in the determination of need.
 - 4) Enclosing walls shall be organized to conform with the module of a continuous ceiling grid to the maximum extent feasible.
 - 5) Enclosing walls shall not extend above the ceiling line except where required by prevailing code, or to isolate space where special indoor air quality conditions prevail.

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- 6) Enclosing walls shall not contain sound attenuation or insulation materials as a standard practice.
 - 7) Enclosing walls shall not be full height, where feasible, to promote air circulation and light passage.
 - 8) Enclosing walls shall be comprised of demountable wall partitions conforming to CMS sustainability standards, where economically feasible.
 - 9) Enclosing walls shall use transparent or translucent materials where economically feasible and where appropriate based on privacy considerations.
- b) Open Interior Office Space Standards
- 1) All open interior work stations defined by or not defined by systems furniture components shall be 64 square feet or less.
 - 2) Where field personnel are assigned open interior work stations, no fewer than 2 field personnel shall be assigned to each individual work station.
 - 3) The lowest partition walls possible shall be used for the functions performed.
 - 4) Pedestal bases shall be used where feasible.
 - 5) Fewer than 4 sides shall be enclosed where feasible.
 - 6) Transparent or translucent materials shall be used for enclosures, where economically feasible and where appropriate based on privacy considerations.
 - 7) Systems furniture shall conform to CMS sustainability standards.
- c) General Interior Office Space Standards

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- 1) All interior office functions shall occur within the minimum feasible spatial footprint meeting the current space need of the tenant agency, as determined by CMS.
- 2) Enclosing walls will not be used for lounge or break areas, kitchenettes, vending areas and similar spaces, unless required by local building codes for fire safety reasons.
- 3) General lighting levels shall be the minimum recommended lighting level for the function performed, with task lighting to supplement where necessary.
- 4) Natural day lighting shall be preserved for the maximum portion of the interior office environment.
- 5) Enclosed office space shall not be located along perimeter window areas, to the maximum extent feasible.
- 6) Uniform air distribution and energy efficient lighting throughout the tenant space shall take precedence over compartmentalization of interior spaces.
- 7) No conference room or training room in excess of 900 square feet or 50% of the design headcount x 20 square feet per person, whichever is smaller, shall be newly constructed where similar facilities are available within proximity to the subject site, as determined by CMS.
- 8) The size of conference rooms shall be determined based on the average number of participants meeting in the room a minimum of 20 hours per week, allocating not more than 20 square feet per person.
- 9) The space allocated for enclosed assembly areas, common office areas and storage areas will be based upon a multiple of the allocation for the standard interior office space to facilitate future reconfiguration of space.
- 10) Lockable storage cabinets shall be used in lieu of walled storage and supply areas, to the maximum extent feasible.

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- 11) Storage areas, including file storage, shall be appropriately sized to house materials required for daily office operations only. Materials not required for daily office operations shall be located in basement storage areas, non-rentable areas, warehouse space, or another cost effective location.
 - 12) Materials defined as surplus property under the State Property Control Act shall not be stored within the rentable area of the office space.
 - 13) Space shall be provided for the collection of recyclable materials.
- d) Performance Requirements for Interior Office Space
- 1) For existing facilities or facilities newly acquired through transfer, purchase or lease with gross or rentable area greater than or equal to 10,000 square feet, and where the building's useful life is extended through a capital appropriation in excess of 50% of the reproduction value of the building, or where the tenant improvements to a lease exceed the current annual base rental cost, the following performance requirements shall apply to the maximum extent feasible.
 - 2) The area per person performance benchmark shall be 275 rentable square feet, or the area per person performance benchmark shall be 200 usable square feet. The following interior spaces shall not be included in the rentable or usable area of the facility for the purpose of measuring the performance of office space:
 - A) Public and client services waiting areas used for direct client services or public access to services provided within the interior office spaces;
 - B) Public and client restrooms provided for use in addition to employee restrooms;
 - C) Public and client service records and active work files associated with service delivery;
 - D) Other public and client service areas related to direct, on-site service delivery (i.e., public self-help resource areas, public education areas, observation rooms, or storage of goods for

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

distribution to clients or the general public or for non-employee use).

e) General Space Standards and Sustainable Practices

- 1) CMS shall incorporate U.S. Green Building Council "LEED for Existing Buildings: Operations & Maintenance" (LEED-EBOM) Green Building Rating System practices into the management of all facilities under its purview, to the maximum extent feasible.
- 2) Economic performance and economic feasibility shall take precedence over spatial performance and sustainable practices.
- 3) Existing Facilities
 - A) Preference for reuse of existing space and minimum reconfiguration to reduce the use of virgin materials for improvements and alterations shall be exercised over strict conformity with performance requirements, if economic feasibility can be demonstrated.
 - B) Adding population to maximize density and efficient space utilization will take precedence over reconfiguration of space, reduction of space or elimination of space, if economic feasibility can be demonstrated.
 - C) Converting private office space larger than the maximum allowable private office space into shared office space will take precedence over reconfiguration of space or elimination of space, if economic feasibility can be demonstrated.
 - D) No reconfiguration, renovation or alteration of existing interior office space shall be initiated for the sole purpose of conforming to these office space standards for sustainable practices.
- 4) Office space standards will be specified in the space request form provided by CMS.

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- 5) CMS may approve exceptions to the office space standards for sustainable practices. Agencies requesting an exception to the office space standards for sustainable practices established in this Section shall provide written justification for the use of alternative standards for review and approval by CMS.

~~Space allowed for specific personnel and operations should not exceed that which is necessary to work efficiently and effectively. In planning office space, size and layout should be consistent with the standards listed in Appendix A. It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned, and its division into private, semi-private and open areas. No rearrangement or remodeling of existing space shall be authorized for the sole purpose of conforming to these standards.~~

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

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Section 5000.APPENDIX A Space Standards (Repealed)

~~In the analysis of the basic units of activity, the following standards of space were developed to reflect the requirement of recurring, typical activities. The standards provide the occupant of each work station with space sufficient to conduct his/her business in an efficient manner. The amount of space allocated to each activity type includes allowances for various units of equipment and intrawork station circulation. Additional allowances are used for supporting space for each job position as well as general circulation, conference rooms, library, reception area, special storage and other unusual space requirements.~~

~~These space allocation standards are in accordance with Part II, Section 3.20 of the Rules established by the Department of Central Management Services.~~

~~It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned and its division into private, semi-private and open areas. Therefore, the space occupied by the agency would rarely exactly equal the net space requirement.~~

A) Office Space Standards

<u>Position Category</u>	<u>Code</u>	<u>Job Classification Examples</u>	<u>Area Allowances</u>	<u>Space* Type</u>
Executive	E	Commissioner	250-300	P
		Director of Dept.	275-300	P
		Deputy Director	200-250	P
		(Exec. Area Allowance)	200-300	
Administrator	A	Re. Adm./Mgr.	175-250	PC,P
		Division Chief	180-250	PC,P
		Asst. Div. Chief	150-185	PC,P
		(Admn. Area Allowance)	150-250	
Middle Mgmt./ Supervisory	S	Supv. of Small Unit (12 or less)	100-125	PC,P
		Supv. of Large Unit (13 or more)	125-150	PC,P
		Clerical Supv.	75-175	O,PC,P
		Manager (up to 20 subordinates)	125-150	PC,P

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Manager (over 20 subordinates)	150-175	PC,P
(Middle Mgmt./Supv. Area Allow.)	75-175	O,PC,P

<u>Position Category</u>	<u>Code</u>	<u>Job Classification Examples</u>	<u>Area Allowances</u>	<u>Space* Type</u>
**Professional	P	Attorney	90-130 to-150	O,S,SC PC,P
		Architect	90-125 to-150	O,S,SC PC,P
		Exec. Acct.	95-125 to-165	O,S,SC PC,P
		Env. Scientist	90-110 to-150	O,S,SC PC,P
		Data Proc. Analyst	90-110 to-150	O,S,SC PC,P
		Human Serv. Consultant	90-100 to-125	O,S,SC PC,P
		Bhvrl. Scientist	90-100 to-125	O,S,SC PC,P
		(Prof. Area Allow.)	99-130 to-165	O,S,SC PC,P
**Technical/Prof	T	Draftsman	60-85	O,S,SC
		Nurse	50-75	O
		Auditor	45-60	O,S,SC
		Bank Examiner	40-55	O
		Data I/O Operator	45-55	O,S,SC
		Programmer	65-85	O,S,SC
		Accountant	45-65	O,S,SC
		Para-Legal	65-90	S,SC
		(Technical Prof. Area Allowance)	40-90 to-100	O,S,SC PC,P
**Clerical	C	Clerk	140-70	O
		Sec./Recept.	50-100	O
		Receptionist	50-75	O

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	Word Processing Specialist	60-70	Ø
	(Clerical Area Allowance)	40-100	Ø
***Field Personnel F (Positions where personnel are out of the office more than 50% of the time)	Pub. Hlth. Inspec.	45-50	Ø,S
	Caseworker	45-60	Ø,S
	Parole Counselor	45-60	Ø,S
	(Field Personnel Allowance)	40-60	Ø,S

~~*P—Private Office Space PC—Private Cubicle Ø—Open Space~~
~~S—Semi-Private Office Space SC—Shared Cubicle~~

~~** Any request for Professional, Technical or Clerical private office space must include justification. Security, Confidentiality, Private consultation or other good cause may constitute justification.~~

~~*** Part-time or field personnel: Whenever personnel use the assigned space less than 50% of the work week, the area allowances shall be adjusted to maximize efficient space utilization. Generally, sixty (60) square feet or less should be adequate, and, if operational requirements permit, desks and space should be shared by two (2) or more staff.~~

~~B) Common Functional Standards~~

~~1. Conference Rooms—space allocation will be determined on the basis of:~~

- ~~• average number of persons attending¹~~
- ~~• frequency of meetings (average number per month);~~
- ~~• average length of sessions;~~
- ~~• availability of private office space and;~~
- ~~• special requirements, e.g. dais, blackboard, projector and screen, etc.~~

~~Conference rooms should be established only when they will be in use at least 15 hours per week. Approximately 20 half-day sessions per month are considered capacity for one room. Allow approximately 20 square feet per person.~~

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Average number in Attendance	Area Allowance	NSF Required
4	10' X 10'	100
6	10' X 15'	150
10	11'4" X 20'/12'6" X 20'	225-250
12	12' X 20'/15' X 20'	240-300
14	15' X 20'/15' X 25'	300-375
20	20' X 20'/20' X 25'	400-500
24	20' X 25'/20' X 30'	500-600
30	20' X 30'/20' X 35'	600-700

2. ~~Reception/Client Areas—In establishing reception/client areas, agencies shall consider:~~

- ~~average number of callers each day;~~
- ~~type of callers;~~
- ~~maximum seating requirements; and,~~
- ~~special requirements, e.g. writing tables, bulletin board, coat rack, etc.~~

~~Space requirement is based on average visitor load at 10-15 square feet per person per hour plus circulation space. (This allowance does not include space requirement for receptionist.~~

3. ~~Libraries—Space requirements is based on measurement of equipment plus circulation. Despite the fact that there is considerable variation in size of books, the following formulas may be used to estimate the amount of space required for books:~~

~~Open reading rooms: 7 volumes per lineal foot; 50 books per foot of standard height wall shelving; or, 100 books per foot of double faced shelving.~~

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~~Book stack areas: 15 books per square foot (includes aisles), or 2 books per cubic foot. Approximately 50 long play phonograph records may be shelved on one lineal foot of wall shelving.~~

4. ~~Exhibit Areas, Duplicating Rooms, Mail Rooms, Supply Rooms—Space allocation based on measurement of equipment plus circulation.~~
5. ~~Furniture and Equipment—These standards are to be used only if the designated furniture is not included in a private office or part of an employee's work station. Area requirements for other furniture and equipment can be determined by measuring the items. If access or circulation space is required, this should also be included.~~

Typical ItemSquare FeetDESKS (additional)

Desk, single pedestal, 45" X 30"	10
Desk, typing, 60" X 30" with 32" typing platform	26
Desk, typing, 60" X 30" with 62" typing platform	38
Desk, double pedestal, 55" X 30"	12
Desk, double pedestal, 60" X 30"	13
Desk, double pedestal, 60" X 36"	15
Desk, double pedestal, 70" X 36"	18
Desk, double pedestal, 78" X 36"	20

CHAIRS (additional)

Chair, swivel/posture	10
Chair, side	8
Stool, swivel	10
Chair, club	9
Settee, 2-seater	17
Settee, 3-seater	23
Chair, stacking	5

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Table, conference, 72" X 48"	24
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Table, end, 26" X 16"	3
Table, reception, 45" X 19"	6
Table, machine, 19" X 13"	3
Table, drafting, 72" X 40"	20
Table, round center, 42" diameter	10

FILES

File, vertical, 18" X 29"	9
File, lateral, 36" X 18"	13
File, lateral, 42" X 18"	15
File, flat plans, 54" X 43"	35

MISCELLANEOUS

Storage shelving—floor length time 5 feet	length X 5'
Work Station Unit (prefabricated), 72" X 23"	12
Copier, 56" X 27"	18
Credenza, 70" X 20"	19
Telephone cabinet, 30" X 15"	7
Storage cabinet, 36" X 18"	9
Bookcase, 38" X 15"	
Reception Counter (includes counter and receptionist work space)—length of counter times 5 feet	length X 5'

Aisle Width

~~Files: If files are to open toward an aisle, allow 44 to 66 inches with the file drawer open for heavily traveled aisles, and 28 to 48 inches for secondary aisles.~~

~~Shelving Main and subsidiary aisles around shelving plus 44 to 66 inches for main aisles and 28 to 36 inches for subsidiary aisles.~~

- ~~6. Federal Space Standards—Agencies requesting to use standards other than those published in this Appendix shall supply a copy of those standards with the Department of Central Management Services. Where federal regulations direct~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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~~the use of space standards, the agency shall estimate its space requirements in accordance with the federal standards.~~

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

ILLINOIS GAMING BOARD

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking will impose no additional requirements.
 - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

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3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips

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- 3000.635 Issuance and Use of Tokens for Gaming
- 3000.636 Distribution of Coupons for Complimentary Chips, Tokens, [Vouchers](#), and Cash
[and Electronic Credits](#)
- 3000.640 Exchange of Chips, Tokens, and Vouchers
- 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
- 3000.650 Inventory of Chips
- 3000.655 Destruction of Chips, Tokens, and Vouchers
- 3000.660 Minimum Standards for Electronic Gaming Devices
- 3000.661 Minimum Standards for Voucher Systems
- 3000.665 Integrity of Electronic Gaming Devices
- 3000.666 Bill Validator Requirements
- 3000.667 Integrity of Voucher Systems
- 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices
- 3000.671 Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

- Section
- 3000.700 Organization of Subpart
- 3000.701 Duty to Exclude
- 3000.705 Voluntary Self-Exclusion Policy (Repealed)
- 3000.710 Distribution and Availability of Board Exclusion List
- 3000.720 Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
- 3000.725 Duty of Licensees
- 3000.730 Procedure for Entry of Names
- 3000.740 Petition for Removal from the Board Exclusion List
- 3000.745 Voluntary Self-Exclusion Policy
- 3000.750 Establishment of a Self-Exclusion List
- 3000.751 Locations to Execute Self-Exclusion Forms
- 3000.755 Information Required for Placement on the Self-Exclusion List
- 3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
- 3000.760 Distribution and Availability of Confidential Self-Exclusion List
- 3000.770 Duties of Licensees
- 3000.780 Request for Removal from the IGB Self-Exclusion List
- 3000.782 Required Information, Recommendations, Forms and Interviews
- 3000.785 Appeal of a Notice of Denial of Removal
- 3000.786 Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
- 3000.787 Placement on the Self-Exclusion List Following Removal
- 3000.790 Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section	
3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart

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3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

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

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967,

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effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART F: CONDUCT OF GAMING

Section 3000.660 Minimum Standards for Electronic Gaming Devices

- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts Wagered, which must not be less than 80% nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.
- b) Electronic Gaming Devices shall, at a minimum:
 - 1) Be controlled by a microprocessor or the equivalent;
 - 2) Be compatible to on-line data monitoring;
 - 3) Contain an EPROM or [other non-alterable storage media](#)~~Non-Alterable Storage Media~~ that has been approved by the Administrator subsequent to a review of the EPROM or [other non-alterable storage media](#)~~Non-Alterable Storage Media~~ by an independent laboratory designated by the Administrator;
 - 4) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM and for all [other non-alterable storage media](#) program storage that has an effect on the game's integrity; if using [other non-alterable storage media](#)~~Non-Alterable Storage Media~~, provide a security device or protocol approved by the Administrator to guarantee program inaccessibility by other than by an approved method and personnel and only in the presence of a Gaming Board agent;
 - 5) Be able to continue a Game with no data loss after a power failure;

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- 6) Have previous and current Game data recall;
 - 7) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome, the amount Wagered, or upon the style or method of play;
 - 8) Clearly display applicable rules of play and the payout schedule;
 - 9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;
 - 10) Have a complete set of nonvolatile meters including amounts wagered, amounts awarded, amounts redeemed, total Vouchers issued, total quantity of Vouchers issued and United States currency, Vouchers, and Tokens dropped;
 - 11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes;
 - 12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage; and
 - 13) If interfaced with a Voucher System, meet the minimum requirements for a Voucher System as set forth in this Part.
- c) When an Electronic Gaming Device is unable to drop sufficient Tokens or issue a Voucher in a sufficient amount for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:
- 1) The location of the Electronic Gaming Device;
 - 2) The date;
 - 3) The time of day;

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- 4) The Electronic Gaming Device number;
 - 5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;
 - 6) The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and
 - 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;
 - 2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
 - 3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;
 - 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
 - A) The amount shown on the progressive meter is paid to a player as a jackpot;

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- B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and
- C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;
- 5) A holder of an Owner's license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.
- e) The Administrator may approve, for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM [or other non-alterable storage media](#) subject to the following requirements:
- 1) The Tournament EPROM [or other non-alterable storage media](#) has been tested and approved for use as may be required by the Administrator.
 - 2) The installation, use and secure storage of the Tournament EPROM [or other non-alterable storage media](#) is provided for in the Internal Control System of the Riverboat Gaming Operation.
 - 3) The Tournament EPROM [or other non-alterable storage media](#) is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.
 - 4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM [or other non-alterable storage media](#) is installed in the Electronic Gaming Device [and is set in tournament mode](#).
 - 5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to

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prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.

- 6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM [or other non-alterable storage media](#) has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.
- f) The use of remote access is prohibited unless the Administrator has approved internal controls that specifically address remote access procedures.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
121.30	Amendment
121.52	Amendment
121.55	Amendment
121.140	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to provisions of the Food, Conservation, and Energy Act of 2008 (FCEA), this rulemaking changes references from the Food Stamp Program to Supplemental Nutrition Assistance Program (SNAP) and references from coupons and coupon allotment to SNAP benefits and benefit amount.
- 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
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.94	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.96	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.150	Amendment	33 Ill. Reg. 4062; March 13, 2009
121.10	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.63	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.120	Amendment	33 Ill. Reg. 4537; March 27, 2009
121.125	Amendment	33 Ill. Reg. 4537; March 27, 2009

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121.63	Amendment	33 Ill. Reg. 4811; April 3, 2009
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.26	Amendment	33 Ill. Reg. 6009; April 24, 2009
121.136	New Section	33 Ill. Reg. 7283; June 5, 2009
121.26	Amendment	33 Ill. Reg. 6009; June 5, 2009
121.8	Amendment	33 Ill. Reg. 11198; July 31, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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 b: ASSISTANCE PROGRAMS

PART 121

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM~~FOOD STAMPS~~

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from BoardsRoomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
- 121.94 Replacement of the EBT Card or Food Stamp Benefits
- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Benefits
- 121.97 Supplemental Payments
- 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.131 Fleeing Felons and Probation/Parole Violators
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
- 121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)

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- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 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. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 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. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 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. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

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effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

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days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

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maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.30 Unearned Income

- a) All currently available unearned income ~~that, which~~ is not specified as exempt, shall be considered in the determination of eligibility and ~~benefit amount coupon allotment~~ for ~~SNAP benefits~~ food stamps.
- b) The penalty amount imposed for failure to comply with a federal, State or local welfare cash assistance program requirement is considered available unearned income in the determination of eligibility and ~~benefit amount coupon allotment~~. This includes:
 - 1) monies recouped under the ~~Temporary Assistance for Needy Families~~ ~~Aid to Families with Dependent Children~~ Program or the ~~federal~~ ~~Federal~~ Supplementary Security Income Program as the result of a conviction for criminal or civil fraud under ~~Section~~ ~~Sections~~ 8A-2 or 8A-7 of the Illinois Public Aid Code [305 ILCS 5/8A-2 or 8A-7]; or
 - 2) the amount of cash assistance benefits withheld from the household due to a failure to comply with requirements of a federal, State or local welfare cash assistance program.
- c) Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from self-employment.

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

Section 121.52 Earned Income ~~from Boarders~~ ~~From Roomer and Boarder~~

- a) The income from boarders shall include all direct payments to the household for room and meals, including contributions to the household's shelter expenses.
- b) The cost of doing business is an allowable deduction as long as it does not exceed the amount of the payment received from the boarder and is equal to one of the following:

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- 1) The maximum monthly ~~benefit amount~~~~coupon allotment~~ for the size of household that is equal to the number of boarders; or
 - 2) The actual documented cost of providing room and meals, if the actual cost exceeds the ~~benefit amount~~~~coupon allotment above~~.
- c) Net income from boarders shall be added to any other earned income prior to the calculation of any other deductions from income.

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

Section 121.55 Sponsors of Aliens

- a) A sponsor is a person who signed an affidavit or other statement accepted by the ~~U.S. Citizenship and~~ Immigration ~~and Naturalization~~ Service (~~USCIS~~~~INS~~) agreeing to support an alien as a condition of the alien's admission for permanent residence. A sponsor is an individual, not an organization. Portions of sponsor's income and assets are deemed available to the alien for three years after the alien's date of entry into the United States (see subsection(i)). The alien's date of entry is the date established by ~~USCIS~~~~the INS~~ as the date the alien was admitted for permanent residence in the United States. The following individuals are excluded from the provisions of this ~~Section~~~~rule~~:
- 1) an alien who is participating in ~~SNAP~~~~the Food Stamp program~~ as a member ~~of~~ his or her ~~sponsor's~~~~sponsors's~~ household;
 - 2) an alien whose sponsor is participating in ~~SNAP~~~~the Food Stamp program~~ separate and apart from the alien;
 - 3) an alien who is sponsored by an organization or group, as opposed to an individual; or
 - 4) an alien who is not required to have a sponsor under the Immigration and Nationality Act (8 USC 1101(a)(15) and 1101(a)(20)). This includes but is not limited to a refugee, a parolee, one granted asylum and a Cuban or Haitian entrant.
- b) Certain amounts of the gross income and assets of the sponsor or sponsor's

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spouse, if they live together, are deemed available (see subsection ~~122.55~~(j)) as unearned income and assets of the individual alien applying for or receiving ~~SNAP~~~~food stamp~~ benefits if:

- 1) the sponsor signed an affidavit of support or a similar agreement on or after February 1, 1983, assuring the alien will not become a public charge; and
 - 2) the alien has been a resident of the United States for less than three years.
- c) The gross income and assets of the sponsor's spouse, if living with the sponsor, will be counted even if the sponsor and spouse married after the agreement was signed (see subsection ~~121.55~~(i)).
- d) The gross income of the sponsor and the sponsor's spouse will be counted even if the sponsor claims to have given up sponsorship responsibility.
- e) Sponsorship Duration
- 1) The sponsorship responsibility continues until:
 - A) the three-year sponsorship period expires; or
 - B) the alien obtains a new sponsor; or
 - C) the sponsor dies.
 - 2) When the alien obtains another sponsor, the Department will recalculate deemed income/assets using the new sponsor's income and assets.
- f) If two or more aliens are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the aliens applying for or receiving ~~SNAP~~~~food stamp~~ benefits.
- g) Alien Responsibility
- 1) It is the responsibility of the alien to:
 - A) provide the Department with any information or documentation

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- necessary to determine the income and assets of the sponsor (e.g., pay stubs of earned income, checking and saving ~~accounts~~ statements);
- B) obtain the necessary cooperation (in accordance with Section 121.5) of the sponsor in determining the amount of the sponsor's available income;
 - C) provide the Department with the names of other aliens that the sponsor has signed an agreement to support, for the purpose of prorating the sponsor's deemed income;
 - D) report any changes in the sponsor's income, source of income, assets and number of dependents ~~that~~ which directly affect the eligibility and benefit level of the alien;
 - E) report a change in sponsors and all required information regarding the new sponsor's income, spouse, assets and dependents;
 - F) report the death of the sponsor.
- 2) The alien is not eligible until income/asset information is received. However, if the alien or the alien's sponsor receives TANF, the information concerning the sponsor's income and assets is taken from the TANF case record.
- h) Department's Responsibility
Obtain from the alien, the alien's spouse, the sponsor or the sponsor's spouse, or from the TANF record, and document:
- 1) The gross income and assets of the alien's sponsor and the sponsor's spouse (if living with the sponsor) for the fiscal month of the alien's application for ~~SNAP~~ food-stamp benefits.
 - 2) The names of other aliens for whom the sponsor has signed an affidavit of support or similar agreement, for the purpose of prorating the sponsor's deemed income.
 - 3) The provision of the Immigration and Nationality Act under which the

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alien was admitted.

- 4) The date of the alien's entry or admission as a lawful permanent resident, as established by [USCIS](#)~~the INS~~.
- 5) The alien's date of birth, place of birth and alien registration number.
- 6) The number of dependents claimed or that could be claimed for ~~federal~~[Federal](#) income tax purposes by the sponsor and the sponsor's spouse (if living with sponsor).
- 7) The name, address and phone number of the alien's sponsor.

i) Determination of a Sponsor's Available Income

The income of the sponsor and the sponsor's spouse (if they live together) includes all gross income except for exempt income listed in Sections 121.31 and 121.50. Income deemed available from the sponsor and the sponsor's spouse is budgeted monthly. If the sponsor and/or the sponsor's spouse receive income on a yearly basis, the income is divided by 12 to arrive at the monthly amount of income to deem available to the alien.

- 1) Determine the gross earned income of the sponsor and the sponsor's spouse for the fiscal month of application.
- 2) Determine net earned income by multiplying the total gross earned income by 82%.
- 3) Add the unearned income of the sponsor and sponsor's spouse to the net earned income.
- 4) Deduct the Gross Monthly Income Eligibility Standard for a household equal in size to the sponsor, the sponsor's spouse and any other person claimed or that could be claimed by the sponsor or the sponsor's spouse for income tax purposes.
- 5) Income remaining is deemed available to the alien.
- 6) Divide the sponsor's deemed income by the number of named aliens who apply for or participate in [SNAP](#)~~the Food Stamp program~~.

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- 7) Determine the ~~sponsor's~~ sponsor and the sponsor's ~~spouse's~~ spouse income using prospective budgeting in accordance with Section 121.92.
- j) **Determination of Sponsor's Assets**
The total amount of assets available to the alien is the total of non-exempt assets of the sponsor and the sponsor's spouse minus \$1,500. If the individual is sponsoring more than one alien, divide the deemed assets (see Section 121.57) by the number of named aliens who apply for or participate in ~~SNAP~~ the Food Stamp program.
- k) **Overissuance Due to Incorrect Sponsor Information**
- 1) The sponsor and/or the alien is responsible for repayment of overissuance of ~~benefit~~ coupons as a result of incorrect information provided by the sponsor. If the alien's sponsor had good cause or was without fault (see Section 121.200(b)) for supplying incorrect information, the alien's household is responsible for repayment.
 - 2) If the sponsor did not have good cause, the Department will decide whether to establish a claim for overissuance against the sponsor or alien, or both (see ~~Sections~~ Section 121.200(a) and 121.150 through 121.154).

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

Section 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

- a) **Small Group Living Arrangement Facilities**
- 1) Blind or disabled recipients of benefits under Title II (42 ~~USCU.S.C.~~ U.S.C. 402 et seq.) or Title XVI (42 ~~USCU.S.C.~~ U.S.C. 1381 et seq.) of the Social Security Act residing in a public or private non-profit group living arrangement facility ~~that~~ which services no more than ~~sixteen~~ (16) residents may voluntarily apply for ~~SNAP~~ benefits ~~food stamps~~. Residents of a group living arrangement facility shall either apply for ~~SNAP~~ food stamp benefits and be certified through the use of an authorized representative designated by the facility or apply for ~~SNAP~~ such benefits on their own behalf. If the resident applies for ~~SNAP~~ benefits ~~food stamps~~ through an authorized

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representative designated by the facility (see Section 121.1), and if determined eligible for ~~SNAP~~ benefits, the resident will be certified as a one-person household. If the resident applies for ~~SNAP benefits~~ ~~food stamps~~ on his/her own behalf, the household size is determined in accordance with Section 121.70.

- 2) Disabled or blind residents of a public or private non-profit group living arrangement facility must meet all other eligibility requirements of this Part and 7 CFR 273 (1987, ~~with no later editions or amendments~~).

b) Drug ~~Addict~~/Alcoholic Treatment Centers

- 1) Residents of publicly operated or private non-profit drug ~~addict~~/alcoholic treatments centers authorized by USDA pursuant to 7 CFR 278.1 and 278.2(g) (1987, ~~with no later editions or amendments~~) to accept ~~SNAP benefits~~ ~~food coupons~~ may voluntarily apply for ~~SNAP benefits~~ ~~food stamps~~. Residents of a drug ~~addict~~/alcoholic treatment center shall apply for ~~SNAP benefits~~ ~~food stamps~~ and, if determined eligible ~~for such benefits~~, be certified as a one-person household through the use of an authorized representative designated by the facility (see Section 121.1). The treatment center shall receive and spend the ~~benefit amount~~ ~~coupon allotment~~ for food prepared by and/or served to the addict or alcoholic.
- 2) Residents of publicly operated or private non-profit drug ~~addict~~/alcoholic treatment centers must meet all other eligibility requirements of this Part and 7 CFR 273 (~~1987, with no later editions or amendments~~).

c) Small ~~group living arrangements facilities~~ ~~Group Living Arrangement Facilities~~ and ~~drug addict/alcoholic treatment centers~~ ~~Drug/Alcoholic Treatment Centers~~ have the following responsibilities:

- 1) Provide the Department with a list of currently participating residents, signed by the facility director attesting to the validity of the list.
- 2) The facility/treatment center is responsible for any misrepresentation or fraud ~~which~~ the facility/treatment center knowingly commits (see Section 121.150) in the certification of facility/treatment center residents. The facility/treatment center must be knowledgeable about a household's circumstances (e.g., income and assets) and should carefully review those

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circumstances with the resident prior to applying for [SNAP benefitsfood stamps](#) on behalf of a particular resident. The facility/treatment center is strictly liable for all losses or misuse of [SNAP benefitsfood stamps](#) held on behalf of resident households and for all overissuances ~~that~~[which](#) occur while households are residents of the facility/treatment center.

- 3) The facility/treatment center must immediately (when the change occurs) notify the local [Family Community Resource Centerpublic aid office](#) of changes in the resident's circumstances ~~that~~[which](#) may affect the resident's eligibility for [SNAP benefitsfood stamps](#), including but not limited to changes in residence, income, and assets.
- 4) When the resident leaves the facility/treatment center, he/she must receive his/her full [SNAP benefitsfood stamp allotment](#) if already issued and if no [benefitseoupons](#) have been spent on behalf of that individual. These procedures apply at any time during the month. However, if any portion of the [SNAP benefitsfood stamps](#) have been spent on behalf of the resident and he/she leaves the facility/treatment center prior to the 16th day of the month, the facility/treatment center must provide the individual with one half of his/her [SNAPfood stamp](#) allotment. In either case, the facility shall retain a receipt as proof of issuance. If the resident leaves on or after the 16th day of the month and the [benefitseoupons](#) have already been issued and used, he/she will not receive any [benefitseoupons](#).
- 5) ~~The facility/treatment center must return any unused food stamps not provided to departing residents at the end of each month to the local public aid office. Any food stamps received for a resident subsequent to his/her departure from the facility must be returned to the local public aid office.~~

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2120.30	Amendment
2120.520	Amendment
2120.525	Amendment
2120.540	Amendment
- 4) Statutory Authority: Authorized by 5 ILCS 375/5
- 5) Effective Date of Rulemaking: August 3, 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 principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 5988; April 24, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Language referencing an EZ Reimburse® MasterCard® has been removed and replaced with language referencing an electronic reimbursement card, consistent with the Internal Revenue Code; the definition of a "Qualifying Child" has been corrected to be consistent with the Internal Revenue Code; the schedule for reimbursements has been updated to provide for payment of claims that

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equal or exceed \$5; and the policy regarding the issuance of statements has been updated to reflect the differentiation between members who elect a Card and members who do not elect a Card.

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

Janice Bonneville
Deputy Director, Bureau of Benefits
Department of Central Management Services
201 East Madison Street, Floor 3
Springfield, IL 62794

217/785-8675

Or

Gina Wilson
CMS Rules Coordinator
720 Stratton Office Building
Springfield, IL 62706

217/785-1793

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE F: EMPLOYEE BENEFITS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2120

STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	
2120.10	Summary and Purpose of Plan
2120.20	Plan Number
2120.30	Definitions

SUBPART B: ADMINISTRATION

Section	
2120.110	Role of the Department/Plan Administrator
2120.120	Expenses of Administration

SUBPART C: PARTICIPATION

Section	
2120.210	Date of Participation
2120.220	Insufficient Salary
2120.230	Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section	
2120.310	Election Procedure
2120.320	Irrevocability of Election
2120.330	Maximum Medical Care Assistance
2120.340	Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section	
2120.410	Establishment of Accounts

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- 2120.420 Crediting of Accounts
- 2120.430 Debiting of Accounts
- 2120.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section

- 2120.510 Claims for Reimbursement
- 2120.520 Reimbursement of Participant
- 2120.525 [Electronic Card Reimbursement Program](#) [®] [EZ Reimburse](#) [®] [MasterCard](#) [®]
- 2120.530 Exclusions
- 2120.540 Statements

SUBPART G: TERMINATION OF PARTICIPATION

Section

- 2120.610 Termination or Death of Participant
- 2120.620 Fraud

SUBPART H: MISCELLANEOUS

Section

- 2120.710 Non-discrimination
- 2120.720 Illegality of a Particular Provision
- 2120.730 Applicable Law
- 2120.740 Effect on Pension
- 2120.750 Effect on Social Security
- 2120.760 Benefits Solely From General Assets
- 2120.770 Nonassignability of Rights
- 2120.780 Tax Consequences
- 2120.790 Indemnification of State by Participants
- 2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

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SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1995; amended at 21 Ill. Reg. 2955, effective February 21, 1997; amended at 30 Ill. Reg. 15119, effective September 6, 2006; emergency amendment at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11791, effective August 3, 2009.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 2120.30 Definitions

- a) Wherever used in the Plan, the following terms have the following meanings ~~and when the defined meaning is intended, the term is capitalized:~~

"Anticipated Payroll" means those payrolls in which the Participant is issued a paycheck during the pay period that the deduction is taken.

"Card" means the stored value cardEZ Reimburse[®] MasterCard[®] provided by the Plan Administrator that deducts funds electronically from a Participant's medical care assistance account to pay for eligible expenses.

"Change in Family Status" means marriage, divorce, death of spouse or dependent, birth or adoption of child, commencement or termination of employment of spouse, significant change in cost or benefits coverage of the Participant or spouse due to the spouse's employment, switch from full-time to part-time status of spouse, or from part-time to full-time, or unpaid leave of absence of Participant or spouse, or any other events that the Department determines constitute a change in family status.

"Code" means the Internal Revenue Code of 1954 (26 USC 1 et seq.) and applicable regulations, or any successor statute.

"Compensation" for purposes of this Plan is defined under Code section 414. It means wages, salaries and other employee compensation received by a Participant as reported on the Participant's W-2 from this employer. For purposes of discrimination testing, it may include or exclude all amounts not currently includible in the Participant's gross income.

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"Delayed Payroll" means those payrolls in which the Participant is issued a paycheck following the pay period that the deduction is taken.

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's spouse, qualifying child or qualifying relative as defined in Internal Revenue Code sections 152 and 213(d)(5).

"Discriminatory Excess" is the excess of any "Highly Compensated Participant" over the highest permitted benefit.

"Eligible Employee" means any employee working full time or not less than half-time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971. It includes those employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions. It also includes those employees who retire, terminate employment or go on an unpaid leave of absence, but choose to continue to make contributions to their MCAP for the balance of the Plan Year. An eligible employee of the employer excludes independent contractors, temporary employees, and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and compensation reduction agreement and

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for making changes authorized by the Plan.

"Grace Period" means the period following the close of the Plan Year in which the Participant can incur a medical care expense eligible for reimbursement from his or her medical care assistance account from the just completed Plan Year. The grace period goes from July 1 until September 15 of each calendar year.

"Health Plan" means health, dental and vision coverage offered by the Department to eligible persons.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current Plan Year:

an employee of the State or its administrative units or corporate outgrowths who has annual total compensation greater than \$75,000 or any other amount established by the Internal Revenue Service; or

an employee of the State who receives compensation in excess of \$50,000 or any other amount established by the Internal Revenue Service and is in the top 20% of all State employee salaries.

"Medical Care Expense" means any expense incurred by a Participant or dependent of the Participant that was paid for as a medical service expense eligible under Internal Revenue Code section 213(d). Expenses that result in a double deduction for tax purposes are not eligible. For example:

Premiums for health insurance coverage carried by the eligible employee, spouse or dependent; and

Premiums for other health coverage carried by the Participant.

"Participant" means each eligible employee who participates in the Plan in accordance with Section 2120.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying compensation earned by employees. A pay period may be monthly, semi-monthly or biweekly.

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"Plan" means the State of Illinois Medical Care Assistance Plan as set forth in this Part, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100].

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between the organization and the Department.

"Plan Year" means the 12-consecutive-month period beginning July 1 comprising the State fiscal year.

"Qualifying Child" means an individual 18 years old or younger (~~2322~~ years old or younger if a full-time student) who has a specified family-type relationship to the Participant, lives in the Participant's household for more than half of the taxable year and has not provided more than one-half of his or her own support during the taxable year (and receives more than one-half of his or her support from the Participant during the taxable year if a full-time student ages 19 through ~~2322~~ at the end of the taxable year). There is no age requirement if the individual is physically and/or mentally incapable of self care.

"Qualifying Relative" means an individual who has a specified family-type relationship with the Participant, is not someone else's qualifying child and receives more than one-half of his or her support from the Participant during the taxable year or, if no specified family-type relationship to the Participant exists, is a member of and lives in the Participant's household (without violating local law) for the entire taxable year and receives more than one-half of his or her support from the Participant during the taxable year.

"Reimbursement" means to pay a Participant in this Plan for medical care expenses from his or her medical care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce.

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"Termination" means the permanent severance of the Participant's employment relationship with the employer as provided by the appropriate rules of the employer.

"Unsubstantiated Expenses" are expenses for medical care paid for with the Card for which the Plan Administrator requires additional documentation to substantiate the expense.

- b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 33 Ill. Reg. 11791, effective August 3, 2009)

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section 2120.520 Reimbursement of Participant

- a) The Plan Administrator shall reimburse the Participant from the Participant's medical care assistance account for medical care expenses incurred during the Plan Year through September 15 of the following Plan Year for which the Participant submits documentation in accordance with Sections 2120.510 and 2120.525.
- b) The reimbursement schedule will be established by the Plan Administrator in a manner that allows the Participant to receive reimbursement no less than once a month.
- c) The Plan Administrator will reimburse Participants who have filed claims in the prescribed manner:
- 1) at least once a month if the claim equals or exceeds \$~~520~~, and if there is eligibility for reimbursement remaining in the account; and
 - 2) at least once the twelfth month (or the final month of participation) regardless of the amount.
- d) If a claim for reimbursement under this Section exceeds the balance of the Participant's medical care assistance account, the Participant will be paid the amount of the claim as long as the claim is no greater than the annual election

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amount less any reimbursements paid to date.

- e) Claims for expenses incurred between July 1 and September 15 will be paid, first, from any funds remaining from the previous Plan Year and, then, from funds available under the current Plan Year.

(Source: Amended at 33 Ill. Reg. 11791, effective August 3, 2009)

Section 2120.525 Electronic Card Reimbursement Program ~~EZ Reimburse[®] MasterCard[®]~~

- a) A Participant may elect to pay medical care expenses through the use of a stored value card ~~an EZ Reimburse[®] MasterCard[®]~~ (Card) provided by the Plan Administrator. The Card deducts funds directly from the Participant's medical care assistance account and avoids any up-front, out-of-pocket expenses for the Participant.
- b) In order to be eligible for the Card, the Participant must agree to abide by the terms and conditions associated with the Card as established by the Plan Administrator and provided to the participant prior to enrollment, including the payment of a \$20 annual fee for the Card, limitations as to Card usage and the Plan Administrator's right to withhold and offset payment for unsubstantiated expenses. The Participant must further certify that the Card will be used only for eligible medical care expenses.
- c) Use of this Card is limited to payments for Medical Care Expenses ~~to individuals who are health care providers~~.
- d) The maximum reimbursable amount under the Card is the full amount of the Participant's contribution to the medical care assistance account for the Plan Year, less any previously submitted reimbursements.
- e) The Participant must obtain a receipt or third party statement (i.e., explanation of benefits form or invoice) from the health care provider each time the Card is used. The receipt must be retained for 1 year following the end of the Plan Year in which the expense was incurred and must be available for presentation to the Plan Administrator upon request. At a minimum, the receipt must contain the following information:

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- 1) the type of service provided ([i.e., office visit; prescription; over-the-counter purchase](#));
 - 2) the date the medical care was provided (i.e., when the expense was incurred);
 - 3) the amount of the expense;
 - 4) the provider's [or vendor's](#) name; and
 - 5) the patient's name.
- f) If the Participant fails to provide the requested documentation to the Plan Administrator within the requested time frame, the expenses will be deemed unsubstantiated and the Participant will be required to repay the unsubstantiated expenses. Repayments may be made by either:
- 1) submitting payment to reimburse the Plan for the cost of the unsubstantiated expense. Payment must be in the form of a check payable to the State of Illinois, submitted to the Plan Administrator; or
 - 2) submitting other paper claims for the fiscal year with third-party receipts in amounts equal to, or greater than, the unsubstantiated expenses. These paper claims will automatically be substituted to offset the outstanding Card transactions.
- g) Failure to submit requested documentation or provide payment for unsubstantiated expenses will result in suspension of the Card and termination of future use of the Card. [Participants may be subject to involuntary withholding for the unsubstantiated expenses or outstanding](#)~~Outstanding~~ transactions [may](#)~~will~~ be reported to the IRS as income and the Participant's W-2 form ~~will be~~ adjusted accordingly.
- h) Participants may elect the Card at any time during the Plan Year. Cards are automatically suspended upon termination or cancellation of participation in the Plan.

(Source: Amended at 33 Ill. Reg. 11791, effective August 3, 2009)

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Section 2120.540 Statements

- a) On or before January 31 of each year, the Department shall furnish to each Participant who was enrolled in the Plan during the prior calendar year a written statement showing the amount of contributions into his or her account during that year with respect to the Participant.
- b) The Plan Administrator shall ~~also~~ notify each Participant [electing a Card](#) in writing via a monthly statement of the unused balance in his or her account. Any unsubstantiated expenses will be clearly delineated on the monthly statement.
- c) [The Plan Administrator shall notify each Participant not electing a Card in writing via a quarterly statement of the unused balance in his or her account.](#)

(Source: Amended at 33 Ill. Reg. 11791, effective August 3, 2009)

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
146.205	Amendment
146.210	Amendment
146.215	Amendment
146.220	Amendment
146.230	Amendment
146.235	Amendment
146.240	Amendment
146.245	Amendment
146.250	Amendment
146.255	Amendment
146.265	Amendment
146.270	Amendment
146.280	Amendment
146.295	Amendment
146.305	New Section
146.310	New Section
146.600	New Section
146.610	New Section
146.620	New Section
146.630	New Section
146.640	New Section
146.650	New Section
146.660	New Section
146.670	New Section
146.680	New Section
146.690	New Section
146.700	New Section
146.710	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No

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- 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: March 6, 2009; 33 Ill. Reg. 3822
- 10) Has JCAR issued a Statement of Objection to these rulemakings? No
- 11) Differences Between Proposal and Final Version:

In Section 146.205, changed the definition of "Neglect" to read: "means a failure by the SLF to notify the appropriate health care professional, to provide or arrange necessary services to avoid physical or psychological harm to a resident, or to terminate the residency of a resident whose needs can no longer be met by the SLF, causing an avoidable decline in function. Neglect may be either passive (non-malicious) or willful.".

In subsection 146.210(h)(5), replaced proposed language with "All shared apartment bedrooms shall have doors.".

Struck subsection 146.210(r) in its entirety.

Subsection 146.210(s) was renumbered to 146.210(r).

Subsection 146.210(t) was renumbered to 146.210(s).

In subsection 146.220(a)(3), struck "(Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.).

Struck Section 146.225 in its entirety.

In subsection 146.230(b)(5), changed "Nursing Practice Act" to "Nurse Practice Act".

Subsection 146.230(j)(1) was changed to read: "The SLF shall provide or arrange transportation, at no charge to the residents, for scheduled shopping, community and social activities. The community outings shall reflect the interests, choices and needs of the residents and be scheduled on a regular basis and be reflected in the residents' calendar.".

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In subsection 146.240(b)(9), changed "food stamps" to "Supplemental Nutritional Assistance Program" and struck the 2nd "over".

In subsection 146.240(b)(10), the beginning of the last sentence was changed from "The" to "If required, the".

Subsection 146.280(c)(2) was changed to read: "For non-compliance involving immediate jeopardy where health and safety of residents is not currently at risk, the Department shall provide a written notice to the SLF within five working days after the conclusion of the on-site review.".

Added new subsection 146.280(c)(3) to read: "The SLF shall have five calendar days from receipt of the written notice to refute the findings or submit a plan of correction.".

Added new subsection 146.280(c)(4) to read: "If no refutation is submitted, the SLF shall have ten calendar days from receipt of the written notice to correct the non-compliance issue or issues. No extension of the ten day period shall be granted.".

Added new subsection 146.280(c)(5) to read: "If a refutation is submitted, the ten day correction period is stayed until a Department decision is made.".

Added new subsection 146.280(c)(6) to read: "Department staff shall conduct a follow-up review within ten working days after the conclusion of the ten day correction period to verify compliance. If the follow-up review continues to show the potential for immediate jeopardy, the Department shall take action to suspend or terminate the SLF's provider agreement.".

Subsection 146.280(d)(1) was changed to read: "The Department shall provide a written notice to the SLF within ten working days after the conclusion of the on-site review.".

Inserted new subsection 146.280(d)(2) to read: "The SLF shall have 14 calendar days from receipt of the written notice to refute the findings or submit a plan of correction.".

Inserted new subsection 146.280(d)(3) to read: "If no refutation is submitted, the SLF shall have 30 calendar days from receipt of the written notice to correct the non-compliance issue or issues.".

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Inserted new subsection 146.280(d)(4) to read: "If a refutation is submitted, the 30 day correction period is stayed until a Department decision is made.".

Relabeled subsections 146.280(d)(2) through (d)(9) to 146.280(d)(5) through (d)(12).

In subsection 146.295(1), following "resident's apartment", added "or false alarm as determined by the local fire department".

In Section 146.305(d), changed "ware" to "aware".

In Section 146.610(a)(3), deleted "locked".

Added new "Section 146.630(d) to read: "The SLF shall not receive the dementia unit rate for Medicaid-eligible roommates without dementia.".

In Section 146.640(a)(2), deleted "staff".

In Section 146.650, changed the percentage "60" to "72" and after "Medicaid patient days", changed the text to read: ", for the geographic group in which the SLF is located (see Section 146.290), paid for Medicaid-eligible nursing facility residents residing in Department of Public Health certified Alzheimer's special care units pursuant to 77 Ill. Adm. Code 300.163.".

In Section 146.660(c), added: "Roommates without dementia shall not be used when determining the 1:10 staff to resident ratio. CNAs on duty in the dementia care unit shall be awake at all times." after "The SLF shall have no less than one certified nursing assistant (CNA) for every ten residents on all shifts.".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are necessary to further comply with quality improvement provisions under the Department of Central Management Services-approved waiver. The rulemaking also clarifies and provides

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further direction in the expectations of the Department for supportive living facilities (SLF) services.

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

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

217/557-7157

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

[SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS](#)

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation

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146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

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: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009.

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.205 Definitions

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

"Abuse" means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish (42 CFR 488.301).

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"Activities of Daily Living" or "ADL" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Advance Directive" means a power of attorney that gives a designated individual decision-making powers upon a person's incompetence. The Department of Public Health is required to make available a Uniform Do Not Resuscitate Advance Directive that may be used in all settings, the Statutory Will Declaration form, the Illinois Statutory Short Form Power of Attorney for Health Care, the statutory Declaration of Mental Health Treatment Form, and the summary of advance directives law in Illinois (Section 2310-600 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-600].

"Bank Nursing Facility Beds" means a choice by SLF providers to participate by converting a distinct part of a nursing facility. Such facilities shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member, resident representative or any other interested person expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Comprehensive Resident Assessment Instrument" or "RAI" means the Department designated resident assessment instrument designed for use in SLFs.

"Declaration of Mental Health Treatment" means a document that lets a person state he or she wants to receive electroconvulsive treatment (ECT) or psychotropic medicine when the person has a mental illness and is unable to make decisions for himself or herself. It also allows a person to say whether he or she wishes to be admitted to a mental health facility if unable to make that decision.

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

"Determination of Need" or "DON" means the tool used by the Department or the Department's authorized representative to determine functional needs of a resident or prospective resident of the SLF. A minimum score of 29 is required on the DON before payment may be authorized for the SLF resident.

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"Developmental Disability" or "DD" means a disability that is attributable to a diagnosis of mental retardation or related condition such as cerebral palsy or epilepsy that results in impairment of general intellectual functioning or adaptive behavior. This condition is manifested before the age of 22 and is likely to continue indefinitely. It results in substantial functional limitations in three or more areas of major life activities, such as self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

"Direct Care Staff" means staff ~~that provides~~~~who provide~~ professional nursing services, assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental ~~well being~~~~being~~ of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing nursing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated as an SLF distinguishable from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital will be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. Distinct part does not include the conversion of an entire nursing facility or hospital.

"Do Not Resuscitate" or "DNR" means a medical treatment order that says cardiopulmonary resuscitation (CPR) will not be attempted if a person's heart and/or breathing stops.

"Durable Power of Attorney" means power of attorney given to a person designated as another person's agent giving broad powers to make health care decisions, including power to require, consent to or withdraw any type of personal care or medical treatment for any physical or mental condition, and to admit or discharge a person from any hospital, home or other institution.

"Financial Exploitation" means the act of obtaining control over a resident or his or her property and/or resources through deception or intimidation to the disadvantage of the resident and/or the profit of another and/or the intent of depriving the resident of the use, benefit or possession of his or her property and/or resources.

"Follow-up Care" means the response to, and documentation of, the service plan

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that is discussed with, and agreed to by, the resident and/or the resident's guardian. It may include, but is not limited to, physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facility includes new construction, an existing building or conversion of an entire nursing facility or hospital into an SLF.

"Immediate Jeopardy" means a situation in which a provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment or death to a resident (42 CFR 488.301).

"Instrumental Activities of Daily Living" or "IADL" means activities related to independent living and includes preparing meals, managing money, shopping for groceries or personal items, performing light or heavy housework, and using a telephone.

"Licensed Nurse" means a person whose services are paid for by an SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Nurse Practice Nursing and Advanced Practice Nursing Act [225 ILCS 65].

"Living Will" means a document that tells a person's health care professional whether the person wants death-delaying procedures used if the person has a terminal condition, and the person is unable to state his or her wishes. A terminal condition means an incurable and irreversible condition such that death is imminent, and the application of any death delaying procedures serves only to prolong the dying process. A living will allows for the administration of medication, sustenance, or the performance of any medical procedure deemed necessary by the person's attending physician to provide the person with comfort care.

"Mandated Reporter" is anyone identified in the Elder Abuse and Neglect Act [320 ILCS 20] that shall report suspected abuse while engaged in carrying out professional duties. A mandated reporter includes, but is not limited to, a professional or professional's designee while engaged in social services and the care of an adult age 60 and over. It also includes, but is not limited to, any

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occupation required to be licensed under the Dietetic and Nutrition Services Practice Act [225 ILCS 30], Nurse Practice Act, and Nursing Home Administrator Licensing and Disciplinary Act [225 ILCS 70], and field personnel of the Departments of Healthcare and Family Services, Public Health and Human Services and any county or municipal health department.

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over or a person who is age 65 years and over, who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

"Medication Error" includes, but is not limited to, incorrect dosage, medication given at incorrect time, wrong medication given, wrong route used or missed medication.

"Mental Illness" or "MI" means a diagnosis of schizophrenia, delusional disorder, schizoaffective disorder, psychotic disorders not otherwise specified, bipolar disorder, and recurrent major depression resulting in substantial functional limitations.

"Neglect" means a failure by the SLF to notify the appropriate health care professional, to provide or arrange necessary services to avoid physical or psychological harm to a resident or to terminate the residency of a resident whose needs can no longer be met by the SLF, causing an avoidable decline in function. Neglect may be either passive (non-malicious) or willful.

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"Personal Allowance" means the \$90 minimum protected monthly amount [of a Medicaid-eligible resident's income](#) that is retained by Medicaid-eligible residents for their personal use.

["Progress Notes" means notes used to document the decline or improvement in a resident's status.](#)

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an SLF.

"Related Parties" means affiliates of an SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section and individuals who are not eligible for Medicaid payment for SLF services.

["Resident Assessment Instrument" or "RAI" or "Comprehensive Resident Assessment Instrument" means the Department designated resident assessment instrument designed for use in SLFs.](#)

"Room and Board" means the housing, utilities and meals provided under the resident contract. Unless otherwise specified in the resident contract, room and board does not include phone or cable charges.

["Security Deposit" means a payment used to secure the payment of rent or compensation for damage to property for residential property containing 25 units](#)

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or more (see Security Deposit Interest Act [765 ILCS 715]). A security deposit may also include a pet deposit to secure payment for damage to the residential property. Damage to property shall not include normal wear and tear to an apartment or any other part of the SLF.

"Services" means the personal and health care related services provided by an SLF pursuant to Section 146.230.

"Service Plan" means the written plan of care on the Department designated form that is developed for each resident based upon the initial assessment, annual comprehensive resident assessment or quarterly evaluation.

"Significant Change" means that there has been a decline or improvement in a resident's status that will not normally resolve itself without intervention by staff or by implementing standard disease-related clinical interventions, and the decline or improvement impacts more than one area of the resident's health status and requires revision of the Service Plan.

"SLF" or "Supportive Living Facility" means a residential setting that meets the requirements of this Subpart B.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from an SLF for the performance of SLF services pursuant to Section 146.230.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.210 Structural Requirements

- a) Building Construction
 - 1) An SLF's architectural plans shall conform to the current State building codes for the respective building type, local Fire and Life Safety Standards for health care occupancy or the 2000 National Fire Protection Association Life Safety Code (NFPA) 101, Chapter 32, Residential Board and Care Occupancies, National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269 (March 11, 2003, no later amendments or editions

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[included](#)) or local building codes if more stringent.

- 2) An SLF shall meet accessibility standards of the Americans ~~With~~with Disabilities Act of 1990 ([42 USC 12101 et seq.](#)). If the facility is subject to the requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400), it shall be deemed residential or multi-story housing for determining the requirements under that Code.
 - 3) An SLF shall not have any apartments below grade level.
 - 4) A freestanding facility consisting of two or more stories with 75 or fewer units shall have a minimum of one elevator available for resident use. A freestanding facility consisting of two or more stories with 76 or more units shall have a minimum of two elevators available for resident use.
- b) Heating and Air Conditioning
- 1) All residential apartments shall have individually controlled systems to maintain comfortable temperatures.
 - 2) Buildings shall provide a heating and air conditioning system in public areas to maintain comfortable temperatures.
- c) Illumination
- Illumination systems shall be installed and maintained to ensure sufficient lighting for general lighting, reading, night lighting for corridors, stairwells and emergency situations. There shall be adequate illumination for outdoor areas.
- d) Resident Apartments General Requirements – Freestanding Facility
- 1) Each single occupancy SLF apartment shall have no less than 300 square feet of living space, including closets and the bathroom.
 - 2) Each double occupancy SLF apartment shall have no less than 450 square feet of living space, including closets and the bathroom.
 - 3) Each apartment shall be equipped at a minimum with:
 - A) A door that locks from the inside;

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- B) A full bathroom as defined in this Section;
 - C) An emergency call system as provided in Section 146.230(m);
 - D) Heating and cooling controls;
 - E) Wiring for private telephone lines;
 - F) Access to cable television, satellite dish or master antenna that receives at least ten channels;
 - G) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment; and
 - H) A separate bedroom for each unrelated occupant for SLFs approved for participation on or after October 18, 2004. [Unrelated occupants may share an apartment with a single bedroom if requested, and agreed upon by the occupants. An apartment shared by two occupants shall meet the minimum square footage required for double occupancy.](#)
- 4) An SLF shall have individual locked mailboxes located inside the building for each apartment.
- 5) Each freestanding SLF shall consist of one building housing at least ten but no more than 150 apartments.
- e) Resident Apartments General Requirements – Rehabilitated Nursing Facilities
- 1) Any nursing facility rehabilitating a portion of the facility to conform with SLF requirements shall convert a distinct part of existing facility space.
 - 2) Each single occupancy SLF apartment shall have no less than 160 square feet of living space, including closets and the bathroom.
 - 3) Each double occupancy SLF apartment shall have no less than 320 square feet of living space, including closets and the bathroom.

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- 4) Each apartment shall be equipped at a minimum with:
 - A) A door that locks from the inside;
 - B) A full bathroom as defined in this Section that may be between and shared by the adjoining apartment;
 - C) An emergency call system as provided in Section 146.230(m);
 - D) Heating and cooling controls;
 - E) Wiring for private telephone lines;
 - F) Access to cable television, satellite dish or master antenna that receives at least ten channels; and
 - G) A sink, microwave oven or stove, and refrigerator with a separate freezer compartment.
 - 5) An SLF shall have individual locked mailboxes located inside the building for each apartment.
 - 6) Each rehabilitated nursing facility shall consist of a distinct part of an existing facility housing at least ten apartments but no more than 150 apartments.
- f) Apartment Bathrooms
- 1) Each bathroom shall be equipped with:
 - A) A toilet with grab bars sufficient to meet the needs of the resident;
 - B) A sink;
 - C) A bathtub and/or shower stall with grab bars sufficient to meet the needs of the resident;
 - D) Hot and cold running water with faucets that meet all marking standards under residential building codes; and

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- E) An emergency call system pursuant to Section 146.230(m).
- 2) Each bathroom shall be a separate room and shall be designed to provide privacy.
- g) Closet Space
- 1) Each apartment shall have minimum closet space of 90 cubic feet, or minimum floor dimensions of no less than 72 inches wide and 24 inches deep for each resident of the apartment.
- 2) Each closet shall be equipped with a door.
- h) Doors
- 1) All doors in residential apartments, including entrance doors, shall be wheelchair accessible.
- 2) Entrance doors to apartments shall have locking devices that are accessible to the outside.
- 3) Entrance doors to residential apartments shall open onto a public corridor.
- 4) Entrance doors to each apartment shall be equipped with an "eye-view".
- 5) [All shared apartment bedrooms shall have doors.](#)
- i) Windows
All apartment windows shall be of transparent glass (except bathrooms) and large enough to permit viewing to the outside of the building. Apartments shall have at least one window with a sill height that permits viewing from a seated position.
- j) Common Areas
- 1) An SLF shall have a minimum of two common areas that provide residents with space for socialization. The dining room may be used as one of the common areas.

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- 2) All common areas shall be accessible for wheelchair use and shall be designed and furnished to meet resident needs.
 - 3) Common areas shall be available for resident use at any time, provided such use does not disturb the health, safety, and well-being of other residents. Access to private or public outdoor recreation areas shall be available to all residents.
 - 4) No less than one common area shall have ice for resident use at no charge.
 - 5) The SLF ~~may~~ shall have ~~at least~~ one common bathing room. The common bathing room shall contain that contains a toilet with grab bars sufficient to meet the needs of the residents, bathtub and a roll-in shower that is wheelchair accessible to allow a five foot turning radius or utilize the American National Standards Institute T-shape or Y-shape, both of which have a non-skid surface, transfer seat and grab bars. Each bathing room shall have door locks to ensure privacy.
- k) Public Restrooms
- 1) There shall be at least one public restroom that is handicapped accessible.
 - 2) All public restrooms shall be clean.
 - 3) All public restrooms shall contain toilet tissue, waste receptacles and hand drying means that cannot be reused. Soap shall be provided in a manner that minimizes contamination.
- l) Public Telephone
- The SLF shall make available~~No less than one common area shall have~~ a handicapped accessible telephone that allows residents and others to conduct private conversations.
- m) Social and Recreational Areas
- 1) Handicapped accessible public areas shall be provided for residents' social and recreational use.
 - 2) Social and recreational areas in rehabilitated nursing facilities shall be

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separate from those of the nursing facility. Rehabilitated nursing facilities may use the SLF dining room as a social and recreational area.

- n) Kitchens
 - 1) SLF kitchens in rehabilitated nursing facilities may be shared with the nursing facility.
 - 2) Food shall be prepared on-site in a full service kitchen. The food shall be freshly prepared each day and served in a central dining area.
 - 3) In addition to requirements found in any local health or food preparation ordinances, the SLF shall have a kitchen that provides:
 - A) Storage for non-perishable foods and perishable foods;
 - B) Food preparation areas with cleanable surfaces;
 - C) Capacity for resident food distribution at the appropriate temperature;
 - D) Kitchenware washing space as necessary to meet food service needs;
 - E) Hand washing areas separate from food washing areas; and
 - F) An area to store and clean garbage cans and carts.
- o) Dining Areas
 - 1) The SLF shall have handicapped accessible dining space to accommodate residents.
 - 2) The dining area in rehabilitated nursing facilities shall be separate from the dining area of the nursing facility.
- p) Laundry Rooms
 - 1) Laundry rooms for residents' use:

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- A) In addition to laundry services provided under Section 146.230, at least one accessible washer and dryer shall be provided for resident use at no cost. The SLF shall be responsible for providing detergent and fabric softener at no cost to the residents.
 - B) There shall be a sink for hand washing in the laundry area.
 - C) Each laundry room shall contain an emergency call system as provided in Section 146.230(m).
- 2) Laundry rooms for SLFs:
- A) For laundry done on-site by SLF staff, the laundry equipment shall be located in a separate room from that of the laundry room used by the residents.
 - B) The SLF shall have space for laundry soiled with body secretions to be processed separately from other soiled linens and laundry.
 - C) There shall be two sinks, one for hand washing that is separate from a sink that is to be used for laundry rinsing in the laundry area.
- q) Housekeeping and Maintenance Areas
There shall be at least one lockable janitor closet in the building. All janitor closets shall have a source of hot and cold running water. Rehabilitated nursing facilities may use the same janitor closet as the nursing facility.
- r) ~~If smoking is permitted, it shall be restricted to areas equipped with ventilation to maintain non-smoking areas smoke-free, or to indoor areas that are separate from other common areas. These areas shall be in compliance with the Illinois Clean Indoor Air Act [410 ILCS 80].~~
- rs) Water Services
- 1) The building water supply shall be taken from a water system that is constructed, protected, operated and maintained in conformance with State and local regulations.

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- 2) Water temperatures in the central kitchen and laundry used for sanitizing shall meet the standards of the local and State health departments.
 - 3) Hot and cold running water with adequate water pressure shall be maintained.
 - 4) Drinking water shall be accessible to residents at all times in no fewer than one common area and all residential apartments.
 - 5) The SLF shall maintain hot water temperatures between 95° and 120°F in resident rooms and any other areas of the SLF that are accessible to residents. The SLF shall maintain a log or checklist to show that water temperatures are being checked at least monthly. The SLF shall document steps taken to correct hot water temperatures found not to be within the required range. The log or checklist should include, but not be limited to, the following:
 - A) Areas of the SLF where water temperatures were checked. This shall include a random sample of resident rooms;
 - B) Date the checks were done; and
 - C) Temperature of the water in the areas of the SLF that were checked.
- st) Waste Removal
- 1) Liquid wastes shall be collected, stored, and disposed of in accordance with State building and health regulations. Those liquid wastes resulting from compacting shall be disposed of as sewage.
 - 2) Sewage disposal shall be operated in compliance with State and local building and health department regulations.
 - 3) Solid waste containers for use inside and outside shall be insect-proof, rodent-proof, fire-proof, non-absorbent and water-tight containers with tight fitting lids.

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- 4) Indoor garbage containers shall be cleaned frequently enough to minimize the transmission of infection and attraction of insects and rodents.
- 5) Garbage from the public areas of the building shall be collected daily, and garbage from the residential apartments shall be collected as needed. All garbage shall be held in receptacles outside the building for removal on a regular schedule. Garbage and trash shall be disposed of in accordance with local ordinances.
- 6) The disposal of sharps shall be handled as follows:
 - A) SLF staff shall not dispose of sharps in wastebaskets found in resident rooms.
 - B) Sharps shall be disposed of in containers that are rigid and leak-resistant. These include proper red biohazard containers, plastic laundry detergent containers, and metal coffee cans. The SLF shall provide a container for residents that are independent with medications.
 - C) If using a container other than the proper red biohazard container, the container shall be capped and taped prior to it being thrown in a garbage receptacle outside the SLF.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.215 SLF Participation Requirements

- a) Facilities or distinct parts of facilities that are certified as SLFs and are in good standing with provisions contained in this Subpart B are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45], the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Assisted Living and Shared Housing Act [210 ILCS 9]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to retain their Certificate of Need for the nursing facility beds that were converted until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLF beds back to NF beds.
- b) An SLF does not include:

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- 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
 - 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLF;
 - 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
 - 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
 - 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];
 - 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
 - 7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
 - 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
 - 9) Any freestanding hospice facility [210 ILCS 60];
 - 10) Any "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40]; or
 - 11) Any "assisted living and shared housing establishment" licensed under the Assisted Living and Shared Housing Act [210 ILCS 9].
- c) In order to participate in the Supportive Living Program, an SLF must be certified

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by the Department. To become certified, an SLF shall:

- 1) Submit an application to proceed toward certification.
 - A) Except in the case of a rehabilitated nursing facility, the Department shall only accept applications for sites where all apartments are devoted to SLF residents.
 - B) The Department shall evaluate each application according to factors including, but not limited to, geographic distribution, waiver limits, market feasibility, the needs of the population being served, the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party, community support from local government, environmental issues, operational experience with assisted living and financial stability. Applications that are found to be incomplete or inaccurate shall be returned to the applicant for completion and/or correction and must be resubmitted before the Department will evaluate them. The Department shall notify the applicant in writing that the application has been approved.
 - C) Direct and indirect owners of five percent or more of the entity designated as the operator shall be disclosed to the Department.
 - D) A recognized environmental condition found as the result of a Phase 1 Environmental Site Assessment (ESA) report shall result in a Phase 2 ESA to determine if significant amounts and concentrations of contaminants exist on the property. If contamination is found in Phase 2, the Department, prior to certification, may request subsequent testing, feasibility studies, and/or remediation.
 - E) The Department may withdraw approval of any application if the SLF fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. Prior to the operational deadline, the applicant may make a written request, including documentation justifying the need for an extension, that the Department grant an extension to the operational deadline. A request for an extension shall not

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exceed 12 months from the original operational deadline. The Department may grant an extension to the operational deadline. The Department shall not grant more than one extension to an approved SLF applicant where construction has not begun.

F) A phase-in for opening may be approved upon the written request of the SLF. The request shall include the anticipated completion date of the phase-in, a plan to ensure the safety of residents during the phase-in, and the floors and areas of the SLF impacted by the phase-in. Additionally, the SLF shall assure that all services continue to be available during the phase-in. The Department shall approve no more than a single phase-in.

GD) At any time prior to or subsequent to certification, the applicant shall report to the Department in writing any change to the application, as soon as such change becomes known to the applicant. These changes are subject to Department approval.

2) Submit a certificate of compliance signed by an architect that certifies that the project complies with applicable codes and all structural requirements found in Section 146.210.

3) Submit for approval prior to use a model of every type of resident contract to be used by the SLF.

4) Submit for approval all policies that include, but are not limited to:

A) Waste removal plan pursuant to Section 146.210(t);

B) Participation criteria pursuant to Section 146.220;

C) Base rate services pursuant to Section 146.230;

D) Resident daily check plan pursuant to Section 146.230(n);

E) Employee hiring process pursuant to Section 146.235;

F) SLF manager experience pursuant to Section 146.235(b);

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- G) [Staff training policy pursuant to Section 146.235\(e\);](#)
- H) [Resident rights pursuant to Section 146.250;](#)
- I) [Resident discharge policy pursuant to Section 146.255;](#)
- J) [Grievance procedure pursuant to Section 146.260;](#)
- K) [Quality assurance plan pursuant to Section 146.270;](#)
- L) [Annual satisfaction survey policy pursuant to Section 146.270\(a\);](#)
- M) [Emergency contingency plan pursuant to Section 146.295;](#)
- N) [Prevention and reporting of abuse, neglect and financial exploitation policy pursuant to Section 146.305;](#)
- O) [Staff and resident rules and responsibilities;](#)
- P) [Infection control, including, but not limited to, hand-washing, proper handling and disposal of sharps, proper handling of linens soiled with body waste, and cleaning of floors that have been soiled;](#)
- Q) [Water temperature plan pursuant to Section 146.210\(s\)\(5\); and](#)
- R) [Tuberculosis plan in accordance with the Control of Tuberculosis Code \(77 Ill. Adm. Code 696\).](#)

54) Pass an on-site review, conducted by the Department, ~~that~~^{which} includes review of [documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations; compliance with State building codes for the respective building type; and compliance with Section 146.210.;](#)

- A) ~~Documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations; compliance with current Fire and Life Safety standards for health care occupancy or the 2000 National~~

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~~Fire Protection Association Life Safety Code (NFPA) 101, Chapter 32, Residential Board and Care Occupancies, National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269 (March 11, 2003) (this incorporation by reference does not include any later amendments or editions); compliance with State building codes for the respective building type; and compliance with Section 146.210.~~

- ~~B) Grievance procedures.~~
- ~~C) Quality assurance policy and procedures established in accordance with Section 146.270.~~
- ~~D) Emergency Contingency Plan as defined in Section 146.295.~~

~~65)~~ Enroll to participate in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11 and execute a ~~Medicaid~~ provider agreement with the Department.

- d) The SLF shall accept the SSI rate (less the personal allowance) for room and board for Medicaid residents. If the ~~SLF charges a private pay rate higher than the Medicaid rate~~private and Medicaid rates are different, the SLF shall reserve not less than 25 percent of its apartments for Medicaid-eligible residents. Those facilities that set a commensurate rate for both private pay and Medicaid-eligible residents are not required to reserve apartments for Medicaid-eligible residents but must accept Medicaid-eligible residents on a first come, first served basis.
- e) SLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the ~~Medicaid~~ provider agreement.
 - 1) An SLF shall notify the Department no fewer than 60 days prior to a change of ownership or management. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership~~Change of ownership means a change of five percent or more.~~

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- 2) Pursuant to 89 Ill. Adm. Code 140.11(f), an SLF whose investor ownership has changed by 50 percent or more shall be required to submit a new application for enrollment in the Medical Assistance Program.
- 3) Pursuant to 89 Ill. Adm. Code 140.12(k), a new owner assumes liability for repayment to the Department of any overpayment made to the SLF, regardless of whether the overpayment was incurred by a current or previous owner or operator.
- 42) The Department has the right to terminate the provider agreement with an SLF if a change of ownership involves a barred Medicaid provider.
- 53) The new owner shall comply with the applicable certification requirements found in subsection (c) of this Section.
- 64) The Department shall conduct an on-site certification review no later than at the date of the next annual certification review or within three months after the effective date of the change of ownership, whichever is earlier.
- 75) SLF certification shall be deemed to extend to a new owner until the Department separately certifies the SLF under the approved new owner.
- f) SLF applicants with an application approved by the Department to proceed toward certification shall not change ownership without the approval of the Department. The approved applicant shall notify the Department no fewer than 60 days prior to a change of ownership or management. Direct and indirect owners of five percent or more of the entity designated as the operator shall be disclosed to the Department. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership.
- g) A request for a change in the number of apartments in an operational or approved SLF site shall be made with an application to the Department for approval. A change in the number of apartments includes both a decrease and increase. The Department shall conduct an on-site review prior to issuing a new certificate for the change in the number of apartments. In the case of an increase in apartments, residents shall not be admitted to the apartments until an on-site review is conducted and the Department issues a revised certificate.
- h) The certificate issued by the Department shall include:

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- 1) Name and address of the SLF;
 - 2) Maximum number of residents to be served at any time; and
 - 3) Number of apartments certified in the SLF.
- ig)** Providers certified as an SLF shall not operate or maintain SLF housing and services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.
- jh)** At least annually, the Department shall conduct an on-site review to ensure that the SLF is in compliance with the requirements of certification, which includes review of:
- 1) Items listed in subsection (c)~~(5)~~(4) of this Section.
 - 2) Comprehensive Resident Assessments, service plans and the provision of services required under Section 146.230.
 - 3) Staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.
 - 4) Compliance with resident contracts and the Department's provider agreement.
 - 5) Protection of individual resident rights and involvement in directing their own care.
 - 6) Resident satisfaction surveys as defined in Section 146.270.
- ki)** The SLF shall comply with all applicable enrollment and participation requirements set forth in Department rules, including, but not limited to, 89 Ill. Adm. Code 140.11 and 140.12.
- lj)** The SLF shall comply with the Americans ~~With~~with Disabilities Act of 1990.

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- [mk](#)) The SLF shall submit to the Department all marketing materials prior to their use. If the Department does not notify the SLF of approval or disapproval of submitted materials within 30 days after submission, the SLF may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.
- [nl](#)) The SLF shall ensure that limited English speaking residents have meaningful and equal access to benefits and services. Steps to ensure access may include, but are not limited to:
- 1) hiring bi-lingual staff;
 - 2) hiring staff interpreters;
 - 3) contracting for interpreter services;
 - 4) engaging community volunteers;
 - 5) contracting with a telephone interpreter service; and
 - 6) hiring staff proficient in American Sign Language.
- [om](#)) The SLF shall encourage families of residents with impairments that limit the resident's decision-making ability to arrange to have a responsible party or guardian represent the resident's interests. The SLF shall provide all residents with information about advance directives, including the Durable Power of Attorney for Health Care, Statement of Illinois Law on Advance Directives, Living Will, Declaration for Mental Health Treatment and Do Not Resuscitate [Advance Directive Order](#). The SLF shall maintain in a resident's file any of these documents authorized by the resident.
- [pn](#)) Upon admission of a resident whose name appears on the [United States Department of Justice Dru Sjodin National Offender Public Website](#), the Illinois State Police Sex Offender Registration website or the Illinois Department of Corrections registered sex offender database ~~pursuant to (see~~ [Section 146.220\(a\)\(4\)](#), the SLF shall:

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- 1) inform the Department and appropriate county and local law enforcement offices of the identity of the identified offenders being admitted to the SLF;
- 2) notify every SLF resident and resident's guardian or family in writing that such offenders are residents of the facility;
- 3) develop a service plan in accordance with Section 146.245; and
- 4) ensure that the SLF has qualified staff to meet the needs of the individual and required level of supervision at all times.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.220 Resident Participation Requirements

- a) The SLF may admit or retain residents whose needs can be met through the services described in Section 146.230. ~~These persons would typically have a score between 29 and 47 on the Determination of Need (DON) and need assistance in one or more activities of daily living. These persons must meet the~~ The following criteria shall be met prior to admission to ~~thean~~ SLF:
 - 1) Be age 22 years or over with a disability (as determined by the Social Security Administration) or elderly (age 65 years or over); and
 - 2) Be screened by the Department or other State agency screening entity and found to be in need of nursing facility level of care and that SLF placement is appropriate to meet the needs of the individual. A new screen is not needed for a resident who is transferring between SLFs or comes from a nursing facility with no break in service. It is the admitting SLF's responsibility to ensure that a screening document is received from the transferring SLF or nursing facility. Private pay individuals may choose to be admitted into thean SLF when the screening assessment does not justify nursing facility level of care; and
 - 3) Be without a primary or secondary diagnosis of developmental disability or serious and persistent mental illness. ~~(Developmental disability is defined as a disability which is attributable to mental retardation or a related condition.)~~ The developmental disability or mental illness must be

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determined by a qualified Department of Human Services screening agent;
and

- 4) Have name checked against the [United States Department of Justice Dru Sjodin National Offender Public Website at www.nsopr.gov](http://www.nsopr.gov), the Illinois Sex Offender Registration website at www.isp.state.il.us ~~and/or~~ the Illinois Department of Corrections registered sex offender database at www.idoc.state.il.us. Refer to Section 146.215 for facility requirements if a person whose name appears on either registry is admitted to an SLF.
- b) Private pay residents seeking to convert to Medicaid while residing in an SLF shall be screened by the Department using the DON prior to the point of conversion and must be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- c) Each prospective resident shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). ~~The test must be completed no more than 90 days prior to the date of admission to the SLF or the test must be commenced no more than seven days after admission to the SLF.~~
- d) A Medicaid resident of ~~thean~~ SLF shall not participate in [any other federal Home and Community-Based Waiver Program](#) ~~the Department on Aging's Community Care Program or the Department of Human Services' Home Services Program.~~

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.230 Services

- a) An SLF must combine housing, personal and health related services in response to the individual needs of residents who need help in activities of daily living. Supportive services shall be available 24 hours per day to meet scheduled and unscheduled needs in a way that promotes resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and autonomy in a residential setting.
- b) Nursing Services
 - 1) The SLF shall ~~conduct~~[provide for](#) a comprehensive resident assessment and service plan for each SLF resident as required under Section 146.245.

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- 2) When a resident is unable to administer his or her own medications, a licensed nurse shall administer the medications.
 - 3) Nursing services shall include medication set-up (such as preparing weekly pill caddies with that week's medication) and follow-up care, and shall be conducted by a licensed nurse.
 - 4) Other nursing services include episodic and intermittent health promotion or disease prevention counseling and teaching self-care in meeting routine and special health care needs that can be done by other staff under the supervision of a registered nurse.
 - 5) All nursing services shall be provided in accordance with the [Nurse Practice Act](#) ~~Nursing and Advanced Practice Nursing Act~~ [225 ILCS 65].
- c) Personal Care
- 1) The SLF shall provide personal care services for residents, including but not limited to assistance with bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and transfer.
 - 2) Personal care services shall be delivered by certified nursing assistants who meet the qualifications described in Section 146.235(f)(1).
- d) Medication [Administration](#), Oversight and Assistance in Self-Administration
- 1) The SLF shall provide the following:
 - A) Reminding the resident to take his or her medications;
 - B) Taking medication from where it is stored in the apartment and handing it to the resident when requested to do so by the resident;
 - C) Opening or uncapping medication containers for [physically impaired](#) residents; and
 - D) Assisting [physically impaired](#) residents in the removal of the medication from the container and assisting the resident in

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consuming or applying the medication when requested to do so by the resident (i.e., placing a dose in a container and placing the container to the mouth of the resident).

- 2) The services identified in subsection (d)(1)(D) shall only be delivered by a licensed nurse.
- 3) Medication administration shall be documented according to the needs of each resident. Documentation for medication administration shall include, but not be limited to, the following:
 - A) Name of resident;
 - B) Name of medication, dosage, directions and route of administration;
 - C) Date and time medication is scheduled to be administered;
 - D) Date and time medication was administered; and
 - E) Signature or initials of employee administering the medication.
- 4) Medication oversight shall be documented according to the needs of each resident. Documentation for medication oversight shall include, but not be limited to, the following:
 - A) Name of resident;
 - B) Name of medication, dosage, directions and route of administration;
 - C) Type of oversight needed; i.e., reminders, assisting with opening container, etc.;
 - D) Date and time medication is scheduled to be taken;
 - E) Documentation showing that resident has taken, or refused to take, the medication; and

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F) Signature or initials of employee providing oversight.

e) Meals

- 1) The SLF shall provide three meals per day, or two meals per day (noon and evening meals) and a breakfast bar. The menu shall include food choices that allow a resident to choose foods that will meet the requirements of a therapeutic diet as ordered by a resident's physician. The ~~menudaily food allowance~~ for each resident shall meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board, National ~~Academy of Sciences~~Research Council.
- 2) The SLF shall make available beverages, including coffee, fruit juice and snack foods, at no cost to the residents.
- 3) The SLF shall offer the same menu options to all residents regardless of payment source ~~except for therapeutic diets ordered by a physician~~.
- 4) The SLF shall keep all menus served on file for not less than ~~six~~four months.
- 5) The SLF shall maintain on the premises supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period. Supplies shall be appropriate to meet the requirements of the menu.
- 6) The SLF shall keep records of all food purchased on file for not less than ~~six~~18 months.
- 7) The SLF shall store, prepare, distribute and serve food in a manner to protect against contaminants and spoilage and to insure the preparation and serving of food at safe and palatable temperatures.
- 8) The SLF shall provide and maintain clean and sanitary central kitchen and dining areas. The SLF shall ensure a sanitary and adequate supply of eating and drinking utensils and pots and pans for preparing food in the central kitchen and dining areas.

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- 9) The SLF shall provide residents with written information about menu plans. Menu cycles shall not be repeated within a one week time frame. There shall be an established mechanism for residents to provide input into the selection and preparation of food [served](#).
 - 10) The SLF shall allow residents to obtain, prepare and store food in residential apartments if doing so does not represent a health or safety hazard to others.
 - 11) The SLF shall provide residents with meal service in their apartments as a time limited service during periods of documented illness.
- f) Laundry
- 1) If requested by a resident, the SLF shall provide laundry services [at least weekly](#) at no charge to the resident.
 - 2) The SLF shall provide for the appropriate handling, cleaning, and storage of routine personal laundry, laundry soiled with body secretions and all other laundry. This includes all detergent and fabric softeners required to perform normal routine laundry service at no cost to the resident.
 - 3) The SLF shall provide on-site laundry equipment for resident use in accordance with Section 146.210.
 - 4) Laundry service does not include dry cleaning services.
- g) Housekeeping
- 1) The SLF shall provide for general housekeeping services at least weekly (house cleaning, ~~laundry~~, bed making, changing of linens, dusting and vacuuming).
 - 2) The SLF shall take into account individual habits and lifestyle preferences when providing all housekeeping services in residential apartments.
 - 3) The SLF shall maintain all public areas in a clean and orderly condition.
 - 4) The SLF shall maintain all common bathing rooms in a clean and orderly

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condition.

h) Maintenance

- 1) The SLF shall maintain all residential apartments in good repair.
- 2) The SLF shall keep the building and grounds clean and free of hazards, with all systems maintained in good working order.

i) Social and Recreational Programming

- 1) The SLF shall facilitate the involvement of individual and community volunteer activities with and for residents.
- 2) The SLF shall provide programs at least twice weekly, which include on-site programs as well as off-site trips, allowing for social and recreational programs for the residents. Transportation shall be provided or arranged at no cost to the resident by the SLF for scheduled activities off-site.
- 3) The SLF shall provide access to opportunities for scheduled and unscheduled individual and group socialization within the SLF and in the larger community.
- 4) The SLF shall make available to each resident information about community resources and make community integration part of the SLF's recreational, socialization and vocational activities.

j) Ancillary Services

- 1) The SLF shall provide or arrange transportation, at no charge to the residents, for scheduled group shopping, and other community and social activities. The community outings shall reflect the interests, choices and needs of the residents and be scheduled on a regular basis and be reflected in the residents' calendar.
- 2) The SLF shall assist a resident in obtaining needed and preferred services offered outside the SLF at his or her request. Upon request by a resident, the SLF shall assist in making medical appointments and arranging for transportation to and from the source of medical treatment (payment for

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medical transportation shall be made in accordance with 89 Ill. Adm. Code 140.490 through 140.492).

- 3) The SLF shall provide shopping assistance when a resident is temporarily unable to shop.
- k) 24 Hour Response/Security Staff
- 1) The SLF shall have response/security staff awake and available on the premises 24 hours a day to respond to scheduled or unpredictable needs and emergency calls from residents. Staff shall possess certification in emergency resuscitation. The SLF shall provide no fewer than one staff person for facilities with ~~one~~ ten to 75 ~~residents~~ apartments, ~~and~~ a second staff person for facilities with 76 to 150 ~~residents~~, and a third staff person for facilities with 151 or more residents ~~apartments~~. In determining the number of staff, the SLF shall consider the number of floors in the building, and the medical needs of the residents. At least one certified nursing assistant shall be on-site 24 hours a day to respond to resident needs.
 - 2) The SLF shall provide security 24 hours a day, including lockable entrances (accessibility controlled by SLF staff for security purposes during overnight hours) and on-site personnel. All residents shall have 24 hour access.
 - 3) Rehabilitated nursing facilities shall have separate staff on-site in the SLF.
- l) Health Promotion and Exercise Programming
- 1) The SLF shall offer and encourage the use of health promotion and exercise programs for its residents.
 - 2) The SLF shall develop programs to be held not less frequently than three times per week geared toward promoting better health and fitness of the residents. These programs are in addition to the social and recreational programming described in this Section.
- m) Emergency Call System

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- 1) The SLF shall ensure that at least two electronic devices are available in each apartment to enable the resident to secure help in an emergency. At least one A-device shall be located in each bathroom and each bedroom. The requirement for additional devices shall be met with a device located in each bedroom or through a portable emergency home response system.
 - 2) The SLF shall have electronic devices available in each common area, each public restroom, each common bathing room and each resident laundry room to enable residents to secure help in an emergency.
 - 3) The emergency call system shall be capable of direct and immediate notification to staff or shall be manned by personnel 24 hours a day for transmission to available staff for assistance.
- n) Daily Check
The SLF shall implement a system to check on the welfare of each resident daily.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.235 Staffing

- a) The SLF shall have a manager or a qualified designee present at the SLF during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times. The manager shall designate a qualified individual capable of acting in an emergency during his or her absence from the SLF.
- b) The manager shall have at least five years experience in providing health care services to adults with disabilities or the elderly population either in an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of management experience.
- c) The SLF shall have licensed and certified staff sufficient in number to meet the needs of the population being served.
- d) Licensed nurses or certified nursing assistants on duty at the SLF shall not be utilized in an adjoining or other part of the building not certified as the SLF. This

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~~includes, but is not limited to, a nursing facility, assisted living facility, and independent living facility. Nursing facility staff may be utilized in a rehabilitated nursing facility but may not be on duty in both the nursing facility and SLF at the same time.~~

- e) Staff Training. All staff training materials shall be available for review by the Department. If required by the Department, the SLF shall make changes in the training materials.
- 1) The SLF shall provide staff and subcontractors who provide direct care with:
 - A) training that takes place no later than 30 days after beginning employment and semi-annual training in areas related to their employment; ~~and~~
 - B) training that covers resident rights; infection control; crisis intervention; prevention and notification of abuse; ~~and~~ neglect and financial exploitation; behavioral, behavior intervention; tuberculosis identification, prevention, control and reporting; negotiated risk and encouraging independence (these subjects shall be trained as part of staff orientation and at least annually thereafter); ~~and~~
 - C) documented training performed by qualified individuals in their area or areas of responsibility; ~~and~~
 - D) training geared toward the manner in which services are to be performed; ~~and~~
 - E) training that includes techniques for working with persons with disabilities and the elderly populations; and
 - F) in the case of an SLF serving persons with disabilities, disability specific sensitivity training conducted by an outside entity familiar with working with persons with disabilities. The training shall occur for all staff initially prior to certification, at staff orientation for new staff, and at least annually thereafter.

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- 2) In the case of subcontractors, training by the SLF is not required if the SLF can document that similar training is being provided through the subcontractor's employer.
- f) The SLF shall employ certified nursing assistants ([CNAs](#)) as follows:
- 1) Qualifications:

Must be 18 years of age or older and have successfully completed no later than 120 days after employment a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
 - 2) [Names of CNAs shall be checked against the Illinois Department of Public Health's Health Care Worker Registry prior to employment.](#)
 - 32) Job responsibilities shall include, but not be limited to:
 - A) Follow and help carry out a resident's written service plan;
 - B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
 - C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
 - D) Attend initial training, in-service training sessions and staff conferences.
- g) The SLF shall employ or contract with a dietitian. The dietitian shall comply with the following:
- 1) The dietitian shall be licensed under the Dietetic and Nutrition Services Practice Act [225 ILCS 30].
 - 2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and

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management of therapeutic diets.

- 3) The dietician shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours.
- h) The SLF shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.
- i) Twenty-four hour response staff shall be at least 18 years of age and possess at least a high school diploma or a GED. Response staff shall be certified in emergency resuscitation. The staff shall respond to scheduled or unpredictable needs and emergency calls from residents.
- j) Nurses on staff, or subcontracted, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.
- k) The SLF shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age and possess at least a high school diploma or a GED.
- l) The SLF shall ensure that all employees who have or may have contact with residents or have access to the living quarters or the financial, medical or personal records of residents undergo a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No SLF shall knowingly hire, employ or retain any individual in a position, with duties involving contact with residents, access to resident living quarters or access to the financial, medical or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An SLF may conditionally employ an applicant for up to three months pending the results of the criminal history record check.
- m) Each employee and volunteer shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). ~~The test must be completed no more than 90 days prior to the date of initial employment in the SLF or the test must be commenced no more than seven days after the date of initial employment in the SLF.~~

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(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.240 Resident Contract

- a) The SLF shall have a signed contract with each resident, which specifies the terms of his or her agreement.
- b) The resident contract shall include, but not be limited to, the following:
 - 1) Information regarding SLF services the resident will receive that are covered under the Medical Assistance Program~~Medicaid~~;
 - 2) Arrangements for payment;
 - 3) A grievance procedure that meets the requirements of Section 146.260;
 - 4) The SLF's agreement to comply with applicable federal, State and local laws and regulations;
 - 5) The conditions under which the resident contract may be terminated by either party;
 - 6) Rules for conduct and behavior of the staff, management and the resident;
~~and~~
 - 7) A list of the resident rights as stated in Section 146.250;-
 - 8) The SLF's policy regarding temporary absences from the facility, including absences due to a resident's admission to a nursing facility;
 - 9) The SLF's policy regarding Supplemental Nutritional Assistance Program benefits being turned over by the resident to the SLF; and
 - 10) The SLF's requirement, if any, for security deposits charged by the SLF. When applicable, the contract shall state that all deposits will be maintained in an interest-bearing account separate from the SLF's operating accounts or the funds of any person other than another resident. The SLF shall, within 30 days after the end of each 12 month rental period, pay the resident any interest, by cash or credit applied to rent due,

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except when the resident is in default under the terms of the lease. If required, the SLF shall follow the provisions of the Security Deposit Return Act [765 ILCS 710] regarding the return of the security deposit when a resident vacates the premises.

- c) The resident contract may include the agreement of the SLF to provide, for a fee, additional services such as barber or beauty services, sundries for personal consumption and other amenities.
- d) The resident contract shall be for a term not to exceed one year and may be renewable upon the agreement of both parties.
- e) The resident contract shall allow arrangements where two individuals wish to share an apartment even if one of the two individuals is not eligible for SLF services. The individuals may be related or unrelated. In the event of one resident's death or discharge, the resident contract shall include provisions that offer the remaining resident who is not receiving SLF services the option to be released from the contract immediately, if desired by the resident, or to remain in the SLF until the expiration of the resident contract as long as he or she remains in compliance with the terms of the resident contract.
- f) The SLF shall ensure that all SLF materials, including the resident contract, shall be in a language appropriate to the resident population as required in Section 146.215(m).

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

- a) Interview: The SLF shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy.
- b) Initial Assessment: The SLF shall complete an initial assessment and service plan within 24 hours after admission that identifies needs and potential immediate problems. Each assessment shall be completed by, or co-signed by, a licensed practical nurse or a registered nurse.
- c) Comprehensive Resident Assessment: The SLF shall complete a Comprehensive Resident Assessment Instrument (RAI) within 14 days after admission, ~~and~~

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annually [and upon a significant change in the resident's mental or physical status](#) ~~hereafter~~. Each RAI shall be completed by, or co-signed by, a registered nurse.

- d) Service Plan: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. This includes coordination and inclusion of services being delivered to a resident by an outside entity. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan must be individualized to address the health and behavior needs of each resident. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.
- e) Quarterly Evaluation: A quarterly evaluation of the health and behavior status of each resident using a Department designated form shall be completed by, or co-signed by, a registered nurse.
- f) Service Plan for Identified Sex Offenders: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered nurse that addresses the following:
 - 1) the amount of supervision required by the individual to ensure the safety of all residents, staff and visitors; and
 - 2) determination of approaches developed in the service plan are appropriate and effective in dealing with any behaviors specific to the identified offender.
- g) [Progress Notes: Progress notes shall be completed at least monthly to document decline or improvement in resident status. A progress note does not have to be completed if there is no change in resident status. Any SLF staff may write progress notes.](#)
- hg) The SLF manager or licensed nursing staff shall alert the resident, his or her physician and his or her designated representative when a change in a resident's mental or physical status is observed by staff. Except in life-threatening

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situations, such reporting shall be within 24 hours after the observation. Serious or life-threatening situations should be reported to the physician and the resident's designated representative immediately. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons or persons with disabilities.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.250 Resident Rights

- a) Residents shall be afforded all rights guaranteed under the Constitutions of the United States and the State of Illinois, federal, State and local statutes and the Department's administrative rules.
- b) Residents shall be informed of all rights in conjunction with any contracted housing and services.
- c) [Department posters with the phone number of the Department's Complaint Hotline shall be posted on each floor of the SLF in a location accessible to all residents. Department brochures providing resident rights and phone number to the Complaint Hotline shall be made available to all residents and their families or designated representatives.](#)
- d) [Long Term Care Ombudsman Program posters provided by the ombudsman shall be posted on each floor of the SLF in a location accessible to all residents.](#)
- ee) Each resident shall have the right to:
 - 1) Be free from mental, emotional, social, and physical abuse and neglect and exploitation;
 - 2) All housing and services for which he or she has contracted and paid;
 - 3) Have his or her records kept confidential and released only with his or her consent or in accordance with applicable law;
 - 4) Have access to his or her records with 48 hours notice (excluding weekends and holidays);

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- 5) Have his or her privacy respected;
- 6) Refuse to receive or participate in any service or activity once the potential consequences of ~~such~~ refusal have been explained to the resident and the resident's designated representative, if requested by the resident. Refusal shall be documented in the service plan and reviewed no less than quarterly~~a negotiated risk agreement has been reached between the resident, his or her designated representative, if requested by the resident and the service provider, so long as others are not harmed by the refusal. The resident may also request that others be present, such as the ombudsman, during the negotiated risk agreement discussion;~~
- 7) Arrange and receive non-Medicaid covered services not available from the contracted SLF service provider at the resident's expense so long as the resident does not violate conditions specified in the resident contract;
- 8) Remain in the SLF, forgoing recommended or needed services from the SLF or available from others. A resident electing to remain without recommended or needed services shall acknowledge that the decision was made against the advice of the SLF, family or health care professional and shall indemnify the SLF from any liability resulting from adverse outcomes specifically associated with the decision to forgo recommended service. The SLF shall retain the right to advise a resident that the right to remain in place is restricted, as explicitly stated in the resident contract. Such indemnity agreements shall be specific to the assumed risk negotiated and do not waive general obligations of providers;
- 9) Be free of physical restraints ~~unless required during an emergency;~~
- 10) Control his or her time, space, and lifestyle to the extent the health, safety and well-being of others are not disturbed;
- 11) Consume alcohol and use tobacco in accordance with SLF policy specified in the resident contract and any applicable statutes;
- 12) Have visitors of his or her choice to the extent the health, safety and well-being of others are not disturbed and the provisions of the resident contracts are upheld;

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- 13) Have roommates only by resident choice;
- 14) Be treated at all times with courtesy, respect and full recognition of personal dignity and individuality;
- 15) Make and act upon decisions (except those decisions delegated to a legal guardian) so long as the health, safety and well-being of others are not endangered by his or her actions;
- 16) Participate in the development, implementation and review of his or her service plans;
- 17) Maintain personal possessions to the extent they do not pose a danger to the health, safety and well-being of the resident and others;
- 18) Store and prepare food in his or her apartment to the extent the health, safety and well-being of the resident and others is not endangered and provisions of the resident contract are not violated;
- 19) Designate or accept a representative to act on his or her behalf;
- 20) Not be required to purchase additional services that are not part of the resident contract;
- 21) Not be charged for additional services unless prior written notice is given to the resident of the amount of the charge; and
- 22) Be free to file grievances pursuant to Section 146.260 and be free from retaliation from the SLF.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.255 Discharge

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, the SLF shall not commence involuntary discharge until the SLF has discussed the reasons for involuntary discharge with the resident and his or her designated representative. Documentation of the discussion shall be placed in the resident's record.

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- b) The SLF shall provide a resident with a 30-day written notice of proposed involuntary discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. A copy of the notice required by this subsection (b) shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative. The notice shall be on a form prescribed by the Department and shall contain all of the following:
- 1) The stated reason for the proposed discharge;
 - 2) The effective date of the proposed discharge;
 - 3) A statement in not less than 14-point type that reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others [and the SLF has given you a notice for an emergency discharge. If the SLF has not given you a notice for an emergency discharge, and if—If](#) the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. [If the SLF provided you with a notice of emergency discharge, and the decision following the hearing is in your favor, you will be entitled to readmission to the SLF upon the first available apartment.](#) A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";
 - 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
 - 5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.
- c) The SLF shall prepare plans to ensure safe and orderly involuntary discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following

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occurs:

- 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay from the SLF. The resident shall have the right to make full payment up to the date that the discharge is to be made and then shall have the right to remain in the SLF. This subsection (d)(6) does not apply to Medicaid-eligible residents when the failure to pay relates to the Medicaid payment.
 - 7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid-eligible resident until the Department has stopped payment pursuant to Section 146.225(f).
- e) The 30-day notice required under subsection (b) of this Section shall not apply in either any of the following instances; however, a notice and right to appeal information must still be provided when an immediate discharge is required:
- 1) When an emergency discharge is mandated by the resident's health care or mental health needs as documented in the resident record and is in accord with the written orders and medical justification of the attending physician. The SLF may consult with the attending physician for additional support on the emergency discharge.
 - 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.
- f) If the resident submits a request for hearing under subsection (b) of this Section, the involuntary discharge shall be stayed pending a hearing or appeal of the

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decision, unless ~~the discharge is a result of~~ a condition ~~allowing a which would have allowed~~ discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section ~~develops in the interim~~.

- g) In determining whether an involuntary discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- h) If the Department determines that an involuntary discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- i) The SLF shall offer relocation assistance to residents involuntarily discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.
- j) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- k) The Department may discharge any resident from an SLF when any of the following conditions exist:
 - 1) The Department has terminated or suspended the SLF certification.
 - 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
 - 3) The Department determines that an emergency exists which requires immediate discharge of the resident.
- l) In cases of discharge under subsection (d) or (k) of this Section, the resident is no longer bound by the resident contract.

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(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.265 Records and Reporting Requirements

- a) An SLF shall develop and maintain confidential written records regarding each resident, which shall include, but are not limited to:
- 1) The Comprehensive Resident Assessment;
 - 2) The resident contract;
 - 3) The service plan;
 - 4) The quarterly evaluation;
 - 54) Progress notes that shall be used to document decline or improvement in resident status~~any significant involvement with the resident and results of and changes in the service plan;~~
 - 65) The resident satisfaction survey;~~and~~
 - 76) Written documentation of the inquiry to the sex offender databases, including the result of the inquiry;~~and~~
 - 8) Documentation of a tuberculosis test administered in accordance with Section 146.220(c).
- b) An SLF shall develop and maintain confidential written personnel records that shall include, but are not limited to:
- 1) Job description;
 - 2) Educational preparation and work experience;
 - 3) Current licensure or certification, if applicable;
 - 4) ~~Documentation of annual performance evaluation;~~

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- 45) Documentation that employee has received personnel policies and procedures;
 - 56) Documentation of on-going staff training;
 - 67) Documentation of a tuberculosis test administered in accordance with Section 146.235(m); and
 - 78) Results from the health care worker background check conducted in accordance with Section 146.235(l).
- c) Medication Error Report: The SLF shall record, and retain in a facility record, all medication errors identified and reported by staff. Errors shall be recorded on a Department designated form. Any medication error resulting in a hospitalization shall be reported to the resident's physician and to the Department within 24 hours after discovery.
- d) Incident Report: Pursuant to Sections 146.295 and 146.305, the SLF shall notify the Department of suspected abuse, neglect or financial exploitation that results in contact with local law enforcement.
- ee) The SLF shall generate and submit to the Department the following reports in a format and medium designated by the Department and with the frequencies as specified:
- 1) ~~Personnel Report, which shall be due upon certification and semi-annually thereafter. The report shall contain a list of all SLF staff listing the names, titles, salaries, and total hours worked during the semi-annual period. This listing shall include the services to be performed and services outside of the service package.~~
 - 12) Resident Identification Report, which shall be due monthly. The report shall be in two parts, one for Medicaid-eligible residents and one for private pay residents. Each part shall contain an alphabetical list of residents residing in the SLF, including their names, case identification and recipient numbers for Medicaid-eligible residents or Department designated identifying numbers for private pay residents, dates of admission and dates of discharge.

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- ~~3)~~ ~~Health Care Related Subcontractors and Manager Report, which shall be due upon certification and as changes occur thereafter.~~
- 24) Cost Reports, which shall be submitted at any time upon request by the Department or when a significant change occurs in the SLF's financial status/solvency, and annually not later than 90 days after the end of the SLF's fiscal year. One extension up to 30 days shall be granted for circumstances that will not allow a cost report to be properly completed before the due date of the report. The written extension must be submitted to the Department's Bureau of Long Term Care prior to the original due date. Each enrolled SLF shall file an annual report with the Department in accordance with the following requirements:
- A) All schedules contained in the cost report must be completed with the exception of those schedules specified in the cost report instructions as optional.
 - B) The cost report is not complete until all required schedules are filed and all inquiries to the provider are satisfactorily resolved.
 - C) If the cost report is prepared by other than the facility's manager or officer, the certification must be signed by the preparer as well as the officer or manager. The preparer's declaration is based upon all information of which the preparer has any knowledge.
 - D) All financial data contained in the cost report must be accounted for on the accrual basis of accounting.
 - E) Copies of all independent audits and reviews performed on the SLF by certified public accounting firms shall be provided to the Department with the cost report.
- 35) Cost Report for Change of Ownership. The new owner or lessee must file a cost report nine months after acquisition (covering the first six months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days after the close of its first complete fiscal year. A change of corporate stock ownership does not constitute a change of ownership.

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- 46) Cost Report for New Facility. A full cost report must be filed within nine months after opening the facility (covering at least the first six months of operation). The facility must also file a cost report within 90 days after the close of its first complete fiscal year.
- fd) No funds shall be expended by the Department for the maintenance of any resident in an SLF that has failed to file an annual cost report.
- ge) An SLF shall retain all records in accordance with provisions of 89 Ill. Adm. Code 140.28. The SLF shall provide the Department or its designee with access to financial and other records that pertain to covered services. The SLF shall keep fiscal records in accordance with acceptable accounting procedures.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.270 Quality Assurance Plan

Each SLF shall be responsible for establishing an effective, internal quality assurance plan that encompasses oversight and monitoring, peer review, utilization review, resident satisfaction and ongoing quality improvement and implementation of any corrective action plans that address improved quality services. The quality assurance plan shall include:

- a) Documentation of results of, and SLF responses to, the annual resident satisfaction survey that shall include, but not be limited to, whether the:
- 1) Residents have the opportunity to provide input into development and implementation of existing SLF policies and procedures;
 - 2) Existing SLF policies and procedures are clear to residents;
 - 3) Residents have access to existing SLF policies and procedures;
 - 4) Residents have a degree of control over personal lifestyle preferences;
 - 5) Residents have access to common areas;
 - 6) Residents are satisfied with surroundings as "home-like"; and

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- 7) Residents have the opportunity to exercise personal lifestyle preferences and direct services according to personal preferences (for example, meal choices and refusal of services).
- b) Evaluation of care and services pursuant to accepted standards and practices and the service needs of the resident population.
- c) Tracking of improvements based on care outcomes such as changes in activities of daily living, resident response to services and other indicators of service quality listed in subsection (d) of this Section.
- d) A system of indicators of service quality that measure:
 - 1) Quality of services provided;
 - 2) Resident rating of the services, including food service;
 - 3) Cleanliness and furnishings of the common area;
 - 4) Service availability;
 - 5) Adequacy of service provision and coordination;
 - 6) Provision of safe environment, including emergency contingency plans that are in accordance with Section 146.295;
 - 7) Socialization activities; and
 - 8) Resident autonomy, which includes, but is not limited to:
 - A) Protection of resident rights;
 - B) Provision of appropriate oversight for vulnerable residents; and
 - C) Resident exercise of personal autonomy and choice.
- e) Procedures for preventing, detecting and reporting resident neglect and abuse.
- f) Objectives for improving service quality, including the service quality indicators

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and measures to determine when objectives have been met.

- g) Ongoing quality improvements resulting from the quality review data.
- h) A committee formed to organize and proceed with the required reviews for both the health care professionals and social service providers of the SLF staff or to serve in a contractual relationship with the SLF. Committee duties shall include:
 - 1) A regular schedule for review, and
 - 2) A system to evaluate the process and methods by which care is given by specific providers in accordance with the service plan developed by the SLF licensed nursing staff and approved by the resident.
- i) [The Department shall review the SLF's plan initially and annually thereafter.](#)

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.280 [Non-Compliance Action](#)~~Termination or Suspension of SLF Provider Agreement~~

- a) The Department may terminate or suspend or not renew ~~the~~ provider agreement subject to the provisions of 89 Ill. Adm. Code 140.16.
- b) [In the event that the SLF is found to be out of compliance with certification requirements during any on-site review or investigation conducted by the Department, the following procedures shall be used based on whether the non-compliance is determined to result in immediate jeopardy or non-immediate jeopardy.](#)
- c) [Non-Compliance Involving Immediate Jeopardy](#)
 - 1) [In the event that it is determined that the findings of non-compliance result in immediate jeopardy that poses a current risk to the health and safety of the residents, Department staff shall notify the SLF of the non-compliance and Department staff may stay on-site until the area or areas of non-compliance have been abated.](#)

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- 2) For non-compliance involving immediate jeopardy where health and safety of residents is not currently at risk, the Department shall provide a written notice to the SLF within five working days after the conclusion of the on-site review.
 - 3) The SLF shall have five calendar days from receipt of the written notice to refute the findings or submit a plan of correction.
 - 4) If no refutation is submitted, the SLF shall have ten calendar days from receipt of the written notice to correct the non-compliance issue or issues. No extension of the ten day period shall be granted.
 - 5) If a refutation is submitted, the ten day correction period is stayed until a Department decision is made.
 - 6) Department staff shall conduct a follow-up review within ten working days after the conclusion of the ten day correction period to verify compliance. If the follow-up review continues to show the potential for immediate jeopardy, the Department shall take action to suspend or terminate the SLF's provider agreement.
- d) Non-Compliance Not Involving Immediate Jeopardy
- 1) The Department shall provide a written notice to the SLF within ten working days after the conclusion of the on-site review.
 - 2) The SLF shall have 14 calendar days from receipt of the written notice to refute the findings or submit a plan of correction.
 - 3) If no refutation is submitted, the SLF shall have 30 calendar days from receipt of the written notice to correct the non-compliance issue or issues.
 - 4) If a refutation is submitted, the 30 day correction period is stayed until a Department decision is made.
 - 5) The SLF shall provide a written notice to the Department, within 30 days after the date of the Departmental notice of non-compliance, notifying the Department that the non-compliance issue or issues are corrected or

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requesting an extension of the 30-day period to a specific date, along with any explanation or documentation necessary to justify the extension.

- 6) The Department shall provide a written decision to the SLF within ten working days after receipt of the request to extend the 30-day correction period.
- 7) If the first 30 day follow-up review continues to show non-compliance, the facility may be granted a second 30-day period to correct the non-compliance issues.
- 8) Department staff shall conduct a follow-up review within ten working days after the conclusion of the 30- and/or 60-day correction period to verify compliance.
- 9) If subsequent reviews continue to show non-compliance with previously cited issues, the Department shall take action to apply one or more of the following sanctions, at the Department's sole discretion, depending on the severity of the non-compliance. Continued non-compliance may result in the Department issuing additional sanctions:
 - A) placing a hold on payment for new admissions;
 - B) withholding Medicaid payments;
 - C) directing in-service training;
 - D) directing a plan of correction.
- 10) The SLF shall have 30 days from the date of the letter from the Department imposing sanctions to correct the findings of non-compliance. If a follow-up review finds that the SLF remains out of compliance, additional sanctions may be issued. The SLF shall have 30 days to correct the findings of non-compliance after the imposition of each sanction.
- 11) If the SLF wishes to refute the Department's findings of non-compliance after sanctions have been imposed, written comments with any supporting documentation shall be sent to the Department within 30 days after the date of the letter sent from the Department imposing sanctions. If the SLF

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believes it has corrected the issues of non-compliance, it may request an on-site review. If the review indicates the findings have been corrected, the sanction or sanctions will be rescinded.

12) If subsequent follow-up reviews continue to show non-compliance, the Department may take action to suspend or terminate the SLF's provider agreement.

e) Suspension or Termination of Provider Agreement

1) In the event the Department does not impose a sanction to withhold Medicaid payments pursuant to subsection (d)(6) of this Section, the Department will continue to make payments during the pendency of the administrative proceedings for suspension or termination of the provider agreement set forth in 89 Ill. Adm. Code 104.208 until a final administrative decision terminating or suspending the provider agreement is issued. If a final administrative decision terminating or suspending the provider agreement is issued, payments for services rendered will cease as of the date the decision is issued, and shall recommence only when the SLF is recertified as being in compliance with program requirements.

2) In the event the Department does not initially impose a hold on private pay and Medicaid admissions pursuant to subsection (d)(6)(A) of this Section, the SLF shall not admit any new private pay or Medicaid residents during the pendency of any administrative proceedings for suspension or termination of the provider agreement set forth in 89 Ill. Adm. Code 104.208. If a final administrative decision terminating or suspending the provider agreement is issued, new admissions may recommence only when the SLF is recertified as being in compliance with program requirements.

3) Upon termination of the SLF provider agreement, Department payments will continue for no more than 30 days after the date of termination to ensure a smooth transition of residents to other settings.

b) In the event that an SLF is found to be out of compliance with certification requirements during an on-site certification review or complaint investigation, the following procedure shall be used:

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- 1) ~~The Department shall mail a written notice to the SLF within ten days after the conclusion of the on-site review giving the SLF 30 days to correct the non-compliance issue or issues unless the non-compliance involves immediate jeopardy to the health and safety of residents.~~
- 2) ~~For non-compliance involving immediate jeopardy, the Department shall provide a written notice to the SLF within five days after the conclusion of the on-site review giving the SLF ten days to correct the non-compliance issue or issues. The immediate jeopardy must be corrected within ten days after the date of receipt of the notice. No extension of the ten-day period shall be granted.~~
- 3) ~~The SLF shall mail a written notice to the Department within 30 days after the date of the Departmental notice of non-compliance notifying the Department that the non-compliance issue or issues are corrected or requesting an extension of the 30-day period to a specific date with any explanation or documentation necessary to justify the extension.~~
- 4) ~~The Department shall mail a written decision to the SLF within ten days after receipt of the request to extend the 30-day correction period.~~
- 5) ~~The Department shall conduct the first follow-up review within ten days after the conclusion of the ten-day immediate jeopardy correction period or within 30 days after the SLF notice date for other non-compliance issues.~~
- 6) ~~In cases of immediate jeopardy, if the first follow-up review continues to show immediate jeopardy, the Department shall take action to suspend or terminate the provider agreement according to 89 Ill. Adm. Code 104.208, Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement. In cases of immediate jeopardy, where the first follow-up review shows that the immediate jeopardy has been abated, but other non-compliance issues exist, the facility shall be granted a further 30-day period to correct the non-compliance issues.~~
- 7) ~~If the first 30-day follow-up review continues to show non-compliance, the facility shall be granted a second 30-day period to correct the non-compliance issues.~~

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- 8) ~~The SLF shall have 30 days to correct any new non-compliance issues cited during a follow-up survey.~~
- 9) ~~The SLF shall be required to submit a written notice identified in subsection (b)(3) of this Section prior to the Department conducting a second or any subsequent follow-up survey.~~
- 10) ~~If the second follow-up review continues to show non-compliance with previously cited issues, the Department shall take action to apply one or more of the following sanctions at the Department's sole discretion, depending on the severity of the non-compliance:~~
 - A) ~~placing a hold on new private pay and Medicaid admissions;~~
 - B) ~~withholding Medicaid payments;~~
 - C) ~~suspension or termination of the Medicaid provider agreement; and~~
 - D) ~~directed in-service trainings.~~
- e) ~~In the event the Department does not impose a sanction to withhold Medicaid payments pursuant to subsection (b)(10)(B) of this Section, the Department will continue to make payments during the pendency of the administrative proceedings set forth in subsection (b) of this Section until a final administrative decision terminating or suspending the provider agreement is issued, for services rendered to Medicaid residents residing in the SLF on the date of the Department's notice sent pursuant to subsection (b)(10) of this Section. If a final administrative decision terminating or suspending the provider agreement is issued, payments for such services rendered to such persons will cease as of the date the decision is issued, and shall recommence only if and when the SLF is recertified as being in compliance with program requirements.~~
- d) ~~In the event the Department does not initially impose a hold on private pay and Medicaid admissions pursuant to subsection (b)(10)(A) of this Section, the SLF shall not admit any new residents after receipt of the notice sent pursuant to subsection (b) of this Section. New admissions may recommence only if and when the SLF has been recertified as being in compliance with program requirements.~~

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(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.295 Emergency Contingency Plan

For the purpose of this Section, "emergency" means ~~physical abuse involving physical injury, sexual abuse, a crime, or death of a resident that occurs as the result of actions by a staff member, visitor or another resident or~~ an event, as a result of a mechanical failure or natural force such as water, wind, fire or loss of electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the SLF.

- a) Each SLF shall have a written plan, which shall be part of the SLF's Quality Assurance Plan, for protection of all persons in the event of mechanical failure or natural force ~~an~~ emergency, for keeping persons in place, for evacuating persons to areas of refuge, and for evacuating persons from the building when necessary. The plan shall:
- 1) address the physical and cognitive needs of residents and include special staff response, including the procedures needed to ensure the safety of any resident. The plan shall be amended or revised whenever any resident with unusual needs is admitted;
 - 2) provide for the temporary relocation of residents for any emergency requiring relocation;
 - 3) provide for the movement of residents to safe locations within the SLF in the event of a tornado warning or severe thunder storm warning issued by the National Weather Service;
 - 4) provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature, as established by the National Oceanic and Atmospheric Administration, inside the residents' living, dining, activities, or sleeping areas of the SLF exceeds a heat index/apparent temperature of 80°F, or falls below 55°F, for 12 hours or more~~90°F~~;
 - 5) address power outages, including how residents call for help, how resident safety is monitored, and how food spoilage is checked while power is out;

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- 6) include contingencies in the event of flooding, if located in a flood plain; and
 - 7) be reviewed by local emergency response entities, such as fire department, ambulance and EMT services. The emergency response entities shall direct recommendations to the SLF concerning the SLF's plan and any issues that could be life threatening, and the SLFs shall make changes to the plan, as appropriate.
- b) All personnel employed on the premises shall be instructed in the emergency contingency plan and the use of fire extinguishers.
 - c) A diagram of emergency evacuation routes shall be posted in at least all corridors and common areas and all personnel employed on the premises shall be aware of the route.
 - d) There shall be a means of notification to the SLF when the National Weather Service issues a tornado warning covering the area in which the SLF is located. The notification mechanism must be other than commercial radio or television. Notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the SLF, or arrangements with local public safety agencies (police, fire, ESDA) to be notified if a warning is issued.
 - e) Each resident shall be oriented to the emergency plans within ten days after the resident's admission. Orientation shall include assisting residents in identifying and using emergency exits. Documentation of the orientation shall be signed and dated by the resident or the resident's representative.
 - f) The SLF shall conduct at least two drills per year. [At least one drill shall cover evacuation during a fire and the other shall cover evacuation during a tornado.](#)
 - g) The SLF shall evaluate the effectiveness of emergency plans, procedures and training.
 - h) Drills shall include residents, SLF personnel, and other persons in the SLF.

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- r) Drills shall include making a general announcement throughout the SLF that a drill is being conducted or sounding an emergency alarm. Drills may be announced in advance to residents.
- j) Drills shall involve the actual evacuation of residents to an assembly point as specified in the emergency plan and shall provide residents with experience using various means of escape.
- k) A written evaluation of each drill shall be submitted to the SLF manager and the Quality Assurance Committee and shall be maintained for one year from the date of the drill. The evaluation shall include the date and time of the drill, names of employees participating in the drill, and identification of any residents who received assistance for evacuation.
- ~~l) The SLF shall contact local law enforcement authorities when physical abuse involving physical injury, sexual abuse, a crime, or death other than by disease processes occurs to a resident as the result of actions by a staff member, visitor or another resident.~~
- lm) Upon the occurrence of anany emergency resulting from a mechanical failure or natural force requiring hospital service, police, fire department or coroner, the SLF manager or designee must provide a preliminary report to the Department by fax within 24 hours after the occurrence. This includes, but is not limited to, loss of electrical power in excess of an hour, physical injury suffered by residents during a mechanical failure or force of nature, evacuation of residents for any reason, and fire alarm activation that results in an on-site response by the local fire department. It does not include fire department response that is the result of resident cooking mishaps that only cause minimal smoke limited to a resident's apartment or false alarm as determined by the local fire department. This preliminary report shall include, at a minimum:
- 1) name and location of the SLF;
 - 2) type of emergency;
 - 3) number of injuries or deaths to residents;
 - 4) names of residents involved in the emergency;

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- 54) number of units not usable due to the occurrence;
 - 65) estimate of the extent of damages to the SLF;
 - 76) type of assistance needed, if any;
 - 87) location of displaced residents, if any; and
 - 98) other State or local agencies notified about the problem.
- m) The SLF manager or designee shall submit a final report to the Department that includes how the emergency was handled, final outcome, who was involved, and what steps are being taken to prevent the situation in the future.

(Source: Amended at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.305 Reporting of Suspected Abuse, Neglect and Financial Exploitation

- a) SLF staff shall make a report when there is suspected abuse, neglect or financial exploitation of the SLF resident. A person making a report in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to the eligible adult that might otherwise be applicable.
- b) The SLF manager or employee shall contact local law enforcement authorities immediately when suspected abuse, neglect or financial exploitation involving physical injury, sexual abuse, a crime or death occurs to a resident as the result of actions by a staff member, family member, visitor, or another resident. SLFs serving persons age 22 through 59 may also contact the Department of Human Services, Office of Inspector General Hotline at 1-800-368-1463, for an investigation of allegations of abuse, neglect or financial exploitation.
- c) Facility staff shall be trained at staff orientation and at least annually thereafter on the definitions of abuse, neglect and financial exploitation; on appropriate interventions; on how and to whom to report suspected abuse, neglect and financial exploitation; and emphasizing that reporting should be immediate.

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- d) Residents, family members and residents' designated representative shall be made aware of the SLF's policy relating to reporting of suspected abuse, neglect and financial exploitation.
- e) Upon the occurrence of suspect abuse, neglect or financial exploitation that results in contact with local law enforcement, the SLF manager or designee must provide a preliminary report to the Department by fax within 24 hours after the occurrence. This includes, but is not limited to, suspected abuse of any nature, allegations of theft, elopement of residents or missing residents, and any crime that occurs on facility property. This preliminary report shall include, at a minimum:
- 1) name and location of the SLF;
 - 2) description of situation, including what is alleged, what steps have been taken to immediately protect the residents involved, and any injury;
 - 3) number and names of residents involved; and
 - 4) other State or local agencies notified about the abuse, neglect or financial exploitation.
- f) The SLF manager or designee shall submit a final report to the Department that includes how the investigation was handled, final outcome, who was involved, and what steps are being taken to prevent the situation in the future.
- g) The SLF manager or designee shall be responsible for notifying the appropriate law enforcement or regulatory agency if reports of abuse, neglect or financial exploitation by a certified or licensed staff person are substantiated.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.310 Facility Management of Resident Funds

- a) The SLF may manage a resident's personal funds only upon written authorization from, in order of priority, the resident, the resident's guardian, the resident's representative, or the resident's immediate family member. The authorization shall be attested to by a witness who has no pecuniary interest in the facility or its

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operations and who is not connected in any way to facility personnel or the manager. If the SLF manages residents' personal funds, it shall:

- 1) Deposit funds in excess of \$50 in an interest bearing account;
 - 2) Establish a separate, written record of each resident's account;
 - 3) Provide a written record of the account at least quarterly to each resident or authorized representative included in the account;
 - 4) Retain all records of managed funds for three years for residents currently residing in the facility and for residents who have died or been discharged from the facility;
 - 5) Report changes in circumstances to the Department of Human Services (DHS) local office;
 - 6) Notify the DHS local office of any lump sum payment received;
 - 7) Keep resident funds in an account or accounts that are separate from any facility operating funds or the funds of any person other than another resident. The facility shall establish and maintain a system that assures a full, complete and separate accounting of each resident's account balance. For resident funds that are commingled with the funds of other residents, all interest earned on the residents' funds shall be prorated and properly credited to each resident's account balance. The system shall contain documents identifying all transactions made by the facility on behalf of the resident. All deposits and withdrawals are to be shown by date and amount, and identifiable receipts for all purchases must be retained; and
 - 8) Notify each Medicaid-eligible resident when the amount in the resident's account reaches \$200 less than the asset limit for one person or a couple.
- b) SLFs that choose to manage resident funds shall purchase a surety bond to assure the security of all personal funds of residents deposited with the facility. The purpose of the surety bond is to guarantee that the facility compensates residents for any loss of funds that the facility holds, safeguards, manages and accounts for. Any resident funds that are entrusted to the facility for the resident must be covered by the surety bond, including refundable deposit fees.

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- c) SLFs that choose not to manage resident fund accounts, but arrange for a resident's monthly income to be direct-deposited into a facility account or name themselves as representative payee, shall deposit those funds into an account that is separate from any facility operating funds or the funds of any person other than another resident.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITSSection 146.600 General Description

- a) The Department will implement a pilot program to test the viability of a dementia care unit in SLFs. The pilot shall not exceed three years from the time the first facility is ready to operate a dementia care unit. Up to five SLFs may be admitted to the pilot in the first 12 months of the three-year period. Applicants for the pilot shall demonstrate experience with serving persons with a diagnosis of Alzheimer's disease or related dementia.
- b) Unless otherwise indicated in this Subpart, the dementia care unit shall meet all requirements found in Subpart B of this Part.
- c) SLFs with dementia care units shall promote independence, dignity, respect and well-being in the most cost effective manner for residents age 65 years and over who have a diagnosis of Alzheimer's disease or related dementia and meet the requirements described in Section 146.630.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.610 Structural Requirements

- a) General Requirements
- 1) Each dementia care unit shall consist of no more than 20 apartments within each dementia care unit located within an existing SLF, attached to an existing SLF or in a free-standing SLF dementia care unit.

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- 2) Apartments designated for a dementia care unit shall not be located above the second story and shall be contiguous.
 - 3) Each dementia care unit shall have alarmed doors with delays requiring a resident to hold the push bar for several seconds before opening. This applies to all doors exiting the dementia care unit.
- b) Resident Apartments
- 1) Each resident apartment shall have a sink, microwave and refrigerator with a separate freezer compartment.
 - 2) The use and availability of a sink, microwave and refrigerator in a resident apartment shall be determined based upon individual resident assessment.
- c) Dining Areas
- 1) The dementia care unit shall have a dining area separate from the dining area of the general population of the SLF. This provision does not apply to a free-standing SLF dementia care unit.
 - 2) The dementia care unit shall have a refrigerator for snacks and ice.
- d) Common Areas
- 1) The dementia care unit shall have at least one common area for every ten residents to provide residents with space for socialization. The dining room may be used as one of the common areas.
 - 2) Access to private or public outdoor recreation areas shall be available to residents of the dementia care unit. Outdoor recreation areas shall be secure.
 - 3) Common areas shall be available that are separate from those used by the general SLF population.
- e) Laundry Rooms
Residents in the dementia care unit shall have the use of the SLF resident laundry room with facility staff oversight.

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(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.620 Participation Requirements

If applicable, the reservation of 25 percent of apartments for Medicaid-eligible residents referenced in Section 146.215(d) shall be calculated separately from the general SLF population.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.630 Resident Participation Requirements

- a) Residents in the dementia care unit shall have a diagnosis of Alzheimer's disease or related form of dementia that has been confirmed by a physician. A record of the diagnosis shall be kept in the resident's record.
- b) Identified sex offenders shall not be admitted to the dementia care unit.
- c) A roommate, such as a spouse, sibling, parent, other relative or significant other without dementia, may be admitted to a double occupancy apartment in the dementia care unit as long as the roommate meets the resident participation requirements found in Section 146.220.
- d) The SLF shall not receive the dementia unit rate for Medicaid-eligible roommates without dementia.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.640 Services

- a) Medication Administration and Oversight
 - 1) Residents of the dementia care unit shall not be allowed to self-administer medications.
 - 2) At a minimum, SLF medication management services shall include set up, verbal reminders, and documentation by CNA or licensed nurse, as applicable, that medication was taken or refused.

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- 3) All medication administration shall be delivered by a licensed nurse.
- b) Social and Recreational Programming
 - 1) Activities shall be suitable for residents with dementia, and may be shared with residents in the general SLF as appropriate.
 - 2) Activities for residents of the dementia care unit shall be carried out no less than three times a day.
 - 3) Activities shall include group socialization with the SLF and in the larger community.
- c) Daily Checks
The SLF shall implement a system to check on the welfare of each dementia care unit resident no less than three times a day, at least once per shift.
- d) Delivery of Mail
The SLF may develop its own policy for mail delivery by having SLF staff deliver mail to the dementia care unit or arranging for a specific time for residents to pick up their mail with staff supervision.
- e) Smoking
Residents of the dementia care unit who smoke shall be supervised when smoking in accordance with SLF policy.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.650 Reimbursement for Medicaid Residents

The Department shall establish its portion of the reimbursement for Medicaid residents residing in the dementia care unit by calculating 72 percent of the weighted average (weighted by Medicaid patient days), for the geographic group in which the SLF is located (see Section 146.290), paid for Medicaid-eligible nursing facility residents residing in Department of Public Health certified Alzheimer's special care units pursuant to 77 Ill. Adm. Code 300.163.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.660 Staffing

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- a) The SLF manager shall be responsible for the entire facility, including the dementia care unit. However, this does not preclude the SLF from hiring a separate manager or director to oversee the dementia care unit.
- b) The SLF shall have no less than one licensed nurse available at all times on-site or on-call to meet medication administration needs of the resident in the dementia care unit. The licensed nurse may share duties in the general SLF.
- c) The SLF shall have no less than one certified nursing assistant (CNA) for every ten residents on all shifts. Roommates without dementia shall not be used when determining the 1:10 staff to resident ratio. CNAs on duty in the dementia care units shall be awake at all times. The CNA cannot work in the general SLF during the same shift.
- d) The SLF dementia care unit may share activity, dietary, housekeeping and maintenance staff with the general SLF population.
- e) All staff who work on the unit (e.g., nurses, CNAs, housekeepers, activities staff) shall have four hours of training specific to working with persons with Alzheimer's disease or related dementia within seven days after working on the unit. The training shall include, but not be limited to, the following:
 - 1) Information about the causes, nature, progression and management of Alzheimer's disease and other dementia;
 - 2) Techniques for successful communication;
 - 3) Handling behavior;
 - 4) Planning activities;
 - 5) Techniques for creating an environment that minimizes behavior;
 - 6) Identifying and minimizing safety risks;
 - 7) Delivering personal care; and
 - 8) How to partner with families and the community.

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- f) All staff as indicated in subsection (e) of this Section shall annually complete at least 12 hours of in-service training regarding Alzheimer's disease and other related dementia. Training topics may include the following:
- 1) Assessing resident capabilities and developing and implementing service plans;
 - 2) Promoting resident dignity, independence, individuality, privacy and choice;
 - 3) Planning and facilitating activities appropriate for the dementia patient;
 - 4) Communicating with families and other persons interested in the resident;
 - 5) Resident rights and principles of self-determination;
 - 6) Care of elderly persons with physical, cognitive, behavioral and social disabilities;
 - 7) Medical and social needs of the resident;
 - 8) Pharmacological and non-pharmacological interventions for persons with dementia; and
 - 9) Local community sources.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.670 Assessment and Service Plan and Quarterly Evaluation

- a) Residents who move from the general population of the SLF to the dementia care unit shall be reassessed prior to the move. This includes a new Comprehensive Resident Assessment and Service Plan. This provision does not apply to a free-standing SLF dementia care unit.
- b) In addition to the Comprehensive Resident Assessment, a more in-depth mental and cognitive assessment, the Saint Louis University Mental Status (SLUMS) or the Montreal Cognitive Assessment (MOCA), shall be required. During the term

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of the pilot, the Department has the sole discretion to require a different or additional in-depth assessment as determined by the Department's evaluation during the pilot.

- c) A Department-designated quarterly assessment specifically designed for use in the dementia care unit shall be used.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.680 Monitoring

Designated Department staff shall monitor compliance for certification of the dementia care unit no less than biannually.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.690 Reporting Requirements

- a) Costs for the dementia care unit shall be included in the cost report required under Section 146.265(c)(4); however, for purposes of this pilot, the SLF with a dementia care unit shall also submit a separate cost report reflecting only the costs associated with the dementia care unit.
- b) Residents of the dementia care unit shall be identified separately when submitting the Resident Identification Report required in Section 146.265.
- c) The Department reserves the right to request periodic reporting to assist with evaluation of the pilot.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Section 146.700 Resident Rights

- a) Department posters with the phone number of the Department's Complaint Hotline shall be posted on the dementia care unit in a location accessible to all residents. Department brochures providing resident rights and the phone number to the Complaint Hotline shall be made available to all residents and their families or designated representatives.

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b) Long Term Care Ombudsman Program posters provided by the ombudsman shall be posted on the dementia care unit in a location accessible to all residents.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

Source 146.710 Discharge

No resident shall remain in the dementia care unit if he or she is a danger to self or others and the SLF is unable to eliminate the danger through the use of treatment modalities or interventions.

(Source: Added at 33 Ill. Reg. 11803, effective August 1, 2009)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Security Areas
- 2) Code Citation: 11 Ill. Adm. Code 436
- 3) Section Number: 436.130 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 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. 6021; April 24, 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 in this Part? No
- 15) Summary and purpose of Rulemaking: To be consistent with Section 603.70(j)(1), this adopted rulemaking updates Section 436.130 (c) by amending the detention time to state 4 hours and 15 minutes.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo
Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 436
SECURITY AREAS

SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

Section	Security Area
436.5	Security Area
436.10	Security Barn Location (Repealed)
436.20	Sanitation, Hygiene and Health
436.30	Fire and Safety Regulations (Repealed)
436.40	Fencing and Lighting (Repealed)
436.50	Security and Barn Offices (Repealed)
436.60	Penalties

SUBPART B: CONDUCT IN SECURITY AREA

Section	
436.70	Reporting for Stall Assignments
436.80	Identification Badges (Repealed)
436.90	Reporting to Security Barn Stall Assignments (Repealed)
436.100	Prohibited Equipment and Substances
436.110	Trainer's Responsibility to Guard
436.120	Access to Security Barn (Repealed)
436.130	Furosemide List Horses
436.140	Leaving the Security Barn (Repealed)

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

SOURCE: Adopted at 12 Ill. Reg. 6304, effective March 18, 1988; emergency amendment at 15 Ill. Reg. 12944, effective August 16, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4520, effective March 10, 1992; amended at 25 Ill. Reg. 15622, effective December 1, 2001; amended at 33 Ill. Reg. 11880, effective August 1, 2009.

ILLINOIS RACING BOARD

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SUBPART B: CONDUCT IN SECURITY AREA

Section 436.130 Furosemide List Horses

- a) All horses on the furosemide list shall be treated with furosemide as provided in 11 Ill. Adm. Code 603.70.
- b) Following the administration of furosemide, the trainer of record or his/[her](#) designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with Section 436.5(c). Violations of this subsection (b) shall be penalized in accordance with Section 436.60(b).
- c) A sign designating the stall as a "Security Stall" shall be posted on the horse's stall 4 hours [and 15 minutes](#) prior to the post time of the race in which the horse has been entered to race. Violations of this subsection (c) shall be penalized in accordance with Section 436.60(c).

(Source: Amended at 33 Ill. Reg. 11880, effective August 1, 2009)

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- 1) Heading of the Part: Horseman's Bookkeeping System Licensees
- 2) Code Citation: 11 Ill. Adm. Code 450
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
450.10	New
450.20	New
450.30	New
450.40	New
450.50	New
450.60	New
450.70	New
450.80	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rules: August 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 rules, 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. 6025; April 24, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Section 450.30(b) – Changed the first sentence from "The Board may, in its discretion, upon good cause shown, receive applications for an occupation license to operate as a horseman's bookkeeping system licensee at a date subsequent to the date of a horseman's bookkeeping contract fewer than 60 days prior to the opening of a meet." to "The Board may, in its discretion, upon good cause shown, receive applications at a time other than that specified in subsection (a)".

Section 450.780 – changed "company" to "licensee" twice.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: Horseman's bookkeeping is currently being done by the Horsemen's Guarantee Corporation of America (HGCA). The HGCA provides thoroughbred and harness bookkeeping services at Arlington Park, Balmoral Park, Hawthorne Race Course, and Maywood Park. Recent disputes between individual horsemen involving the transfer of funds clearly indicates the need for regulatory oversight. As a condition of licensing, the Board shall require internal control systems, mechanisms for audits, and the licensing of the companies' employees.
- 16) Information and questions regarding this adopted rulemaking 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 Rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

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

PART 450
HORSEMEN'S BOOKKEEPING SYSTEM LICENSEES

Section	
450.10	Criteria for Eligibility
450.20	License Application
450.30	Time of Filing an Application
450.40	Application from Corporation
450.50	Grounds for Denial of an Application
450.60	Change of Officers or Directors
450.70	Audit
450.80	License Deemed Personal

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

SOURCE: Adopted at 33 Ill. Reg. 11884, effective August 1, 2009.

Section 450.10 Criteria for Eligibility

An applicant for an occupation license as an operator of a horseman's bookkeeping system shall:

- a) have a contract to provide a horseman's bookkeeping system with an organization licensee;
- b) either:
 - 1) have operated a horseman's bookkeeping system at a pari-mutuel race meeting in Illinois for at least 3 years prior to the effective date of this Part; or
 - 2) provide the Board evidence that the applicant has the experience and expertise to operate a horseman's bookkeeping system at the race meeting at which the applicant proposes to participate in Illinois racing;

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- c) provide the Board with a current Table of Organization, Ownership and Control in sufficient detail to identify the individuals that manage, own or control the interests and assets of the applicant; and
- d) establish, maintain, update and provide to the Board an Internal Control System that is subject to audit, with the cost of the audit borne by the occupation licensee.

Section 450.20 License Application

- a) An application for a license to operate as a horseman's bookkeeping system licensee shall be made on forms furnished by the Board.
- b) One original and one copy of the application shall be filed at the Board's central office at 100 W. Randolph St., #7-701, Chicago IL 60601.
- c) The applicant shall submit a one-year license fee of \$25.
- d) The applicant shall submit with the application all contracts with organization licensees and instruments evidencing any indebtedness between the applicant and any and all organization licensees.
- e) If circumstances change or events occur after the filing of an application, the applicant shall submit an amendment to the Board. Examples of these changes include, but are not limited to, a change of corporate officers and the signing of additional contracts with organization licensees.

Section 450.30 Time of Filing an Application

- a) Applications for an occupation license as a horseman's bookkeeping system licensee shall be filed 60 days prior to the opening of the first race meet during a calendar year at an Illinois race track at which the applicant seeks to participate in Illinois racing.
- b) The Board may, in its discretion, upon good cause shown, receive applications at a time other than that specified in subsection (a). Good cause means a change in ownership of horseman's bookkeeping system licensee; changes in the financial position of a horseman's bookkeeping system licensee, such as, but not limited to,

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the dissolution or bankruptcy of the licensee or the impossibility of a licensee furnishing services for an upcoming race meet.

Section 450.40 Application from Corporation

A corporation applicant for a license as a horseman's bookkeeping system licensee shall disclose the names and business addresses of its directors and officers and the owners of any legal or beneficial interest of 5% or more of the corporation. If the corporation is owned, in whole or in part, by another corporation, disclosure shall be made for the other corporation and for the owners of 25% or more of the equity of the other corporation.

Section 450.50 Grounds for Denial of an Application

The Board may deny an application for an occupation license as a horseman's bookkeeping system licensee based on 11 Ill. Adm. Code 502.60 through 502.110. An applicant whose application for a license is denied may request a hearing pursuant to 11 Ill. Adm. Code 204.

Section 450.60 Change of Officers or Directors

Within 15 days after election, appointment or resignation of an officer or director of a licensed horseman's bookkeeping system, the licensee shall notify the Board in writing of the identity of each new and resigned officer or director and shall file an amended application for each person.

Section 450.70 Audit

The Board's Executive Director may at any time inspect, review or audit the records and performance of the horseman's bookkeeping system licensee. The cost of the audit shall be borne by the licensee. The Executive Director shall establish the scope, procedures and reporting requirements of any audit.

Section 450.80 License Deemed Personal

Licenses to operate a horseman's bookkeeping system are deemed personal in nature and non-transferable, and will terminate upon a substantial change of ownership of the licensee unless the Board grants approval of the substantial change of ownership. The sale or transfer of 25% or more of the equity of a licensee shall be considered a substantial change of ownership and within 15 days after the change of ownership, the licensee must notify the Board of the identity of each substantial owner. In acting upon a request for approval of a substantial change

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in ownership, the Board shall consider the same factors it considers in the initial grant of a horseman's bookkeeping system license.

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citation: 11 Ill. Adm. Code 1313
- 3) Section Number: 1313.70 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 6035; April 24, 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: The subsections being repealed are impractical and outdated, resulting in confusion among racing participants. Implementation of a 12-race paddock (receiving barn) has made it impossible for a person with horses in multiple races to fulfill all required duties while being prohibited from leaving and reentering the paddock.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1313
GENERAL LICENSEE RULES

Section

1313.10	Worker's Compensation (Repealed)
1313.20	Health Regulations (Repealed)
1313.30	Observe Sanitary, Safety, Humane Rules (Repealed)
1313.40	Halters
1313.48	Safety Helmets
1313.50	Equipment Change and Records
1313.60	Sulky Performance Standards
1313.70	Horses in Paddock
1313.80	Body Alcohol Testing
1313.90	Deceased and Sick Horses (Repealed)
1313.100	Firearms
1313.110	Private Practice Prohibited
1313.120	Veterinarian Reports (Repealed)
1313.130	Clean Equipment (Repealed)

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); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. 15442, effective September 30, 1994; emergency amendment at 28 Ill. Reg. 5713, effective March 24, 2004, for a maximum of 150 days; emergency expired August 20, 2004; amended at 28 Ill. Reg. 12119, effective August 22, 2004; amended at 29 Ill. Reg. 19688, effective December 1, 2005; amended at 31 Ill. Reg. 16519, effective December 1, 2007; amended at 33 Ill. Reg. 11890, effective August 1, 2009.

Section 1313.70 Horses in Paddock

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- a) All horses must be in the paddock, in their assigned stalls, between 4 hours and 6 hours before scheduled post time of the race in which the horse is entered, as determined by the Board. Horses racing in stakes races with a purse of \$20,000 or greater, and elimination races for stakes races with a purse of \$40,000 or greater, shall be in their assigned stalls in the paddock at 12:00 noon the day of the race. Failure to have a horse in the assigned stall at the designated deadline shall result in the horse being scratched, and the trainer of record shall be subject to a fine not less than \$200 and not more than \$500. The fine may be waived if the ~~Stewards~~stewards determine that a verifiable emergency (for example, inclement weather, medical emergency or trainer vehicle breakdown or accident) prevented the trainer from getting the horse to the racetrack at the designated deadline. The trainer shall submit appropriate written documentation of the emergency as determined by the ~~Stewards~~stewards (for example, emergency room report, towing or repair bill or police report). Except for warm-up scores, no horse shall leave the paddock until called to post.
- b) Persons entitled to admission to the paddock are:
- 1) Owners of horses competing on the date of the race.
 - 2) Trainers of horses competing on the date of the race.
 - 3) Drivers of horses competing on the date of the race.
 - 4) Grooms and caretakers of horses competing on the date of the race.
 - 5) Officials whose duties require their presence in the paddock or receiving barn.
- ~~e) No driver, trainer, groom, or caretaker, once admitted to the paddock or receiving barn, shall leave the same other than to warm up said horse until such race or races for which he was admitted is contested.~~
- ~~d) No person except an owner, who has another horse racing in a later race, or an official shall return to the paddock until all races of that program shall have been completed.~~
- ce) No more than ~~two~~ members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 33 Ill. Reg. 11890, effective August 1, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE S Peremptory Action: 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) table of contents and Section 310.Appendix A Table S to reflect the 9 Memoranda of Understanding for positions with various functions within the Public Service Administrator title Option 7 signed July 1, 2009. Effective August 14, 2008, the training academy supervisor, operations center supervisor and superintendent functions at Corrections, statewide enforcement function at Financial and Professional Regulation, computer evidence recovery specialist non-sworn, firearms specialist non-sworn, strategic management policy administrator non-sworn and criminal intelligence analyst supervisor non-sworn functions at State Police are assigned to VR-704-25. Effective August 14, 2008 and December 31, 2008, respectively, the sex offender registry supervisor non-sworn functions at State Police are assigned to pay grade VR-704-26.
- 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: July 31, 2009
- 7) A Complete Description of the Subjects and Issues Involved:

In the table of contents, Financial and Professional Regulation is added to the Section 310.Appendix A Table S heading.

In Section 310.Appendix A Table S, Financial and Professional Regulation is added to the heading. Rate tables effective August 14, 2008 and December 31, 2008 are added. The pay grade 25 Pay Plan Codes Q and S and pay grade 26 Pay Plan Code B are added to the rate tables effective January 1, and July 1, 2009 and January 1, 2010.
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 9) Date filed with the Index Department: July 31, 2009
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this rulemaking 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>Ill. Reg. Citation:</u>
310.100	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.280	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.410	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.450	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.490	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.540	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table E	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table H	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table L	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table Q	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table W	Amendment	33 Ill. Reg. 10098; July 17, 2009

- 13) Statement of Statewide Policy Objectives: This amendment to the Pay Plan affects 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 this peremptory amendment 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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217/782-7964

Fax: 217/524-4570

CMS.PayPlan@Illinois.gov

The full text of the Peremptory Amendment begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

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310.270	Legislated 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' –

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	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, Financial and Professional Regulation , 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	RC-150 (Public Service Administrators Option 6, AFSCME)
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 ILCS 415/8 and 8a].

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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 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a

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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 February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

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peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

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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, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

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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 maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE S VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Police Lieutenant	32977	VR-704	24
Public Service Administrator, Option 7 (<u>forensic science administrator I, clinical services supervisor, juvenile justice chief of security and shift supervisor functions</u> not forensic science administrator II function)	37015	VR-704	24
Public Service Administrator, Option 7 (<u>criminal intelligence analyst supervisor, strategic management policy administrator, firearms specialist and computer evidence recovery specialist non-sworn functions at State Police, statewide enforcement function at Financial and Professional Regulation, superintendent, operations center supervisor and training academy supervisor functions at Corrections and forensic science administrator II function</u> only)	37015	VR-704	25
Public Service Administrator, Option 7 (<u>sex offender registry supervisor non-sworn function at State Police</u>)	<u>37015</u>	<u>VR-704</u>	<u>26</u>

Effective August 14, 2008
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
24	B	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 AMENDMENT

<u>25</u>	<u>B</u>	<u>5440</u>	<u>5602</u>	<u>5771</u>	<u>5944</u>	<u>6269</u>	<u>6600</u>	<u>6929</u>	<u>7258</u>	<u>7588</u>	<u>8075</u>	<u>8399</u>
<u>25</u>	<u>Q</u>	<u>5685</u>	<u>5856</u>	<u>6029</u>	<u>6210</u>	<u>6552</u>	<u>6895</u>	<u>7242</u>	<u>7587</u>	<u>7931</u>	<u>8439</u>	<u>8777</u>
<u>25</u>	<u>S</u>	<u>5760</u>	<u>5926</u>	<u>6105</u>	<u>6284</u>	<u>6624</u>	<u>6966</u>	<u>7312</u>	<u>7657</u>	<u>8000</u>	<u>8511</u>	<u>8852</u>

Effective December 31, 2008**Bargaining Unit: VR-704**

<u>Pay</u> <u>Grade</u>	<u>Pay</u> <u>Plan</u> <u>Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>24</u>	<u>B</u>	<u>5104</u>	<u>5257</u>	<u>5414</u>	<u>5576</u>	<u>5873</u>	<u>6181</u>	<u>6477</u>	<u>6776</u>	<u>7082</u>	<u>7526</u>	<u>7827</u>
<u>24</u>	<u>Q</u>	<u>5333</u>	<u>5492</u>	<u>5659</u>	<u>5830</u>	<u>6140</u>	<u>6459</u>	<u>6769</u>	<u>7080</u>	<u>7401</u>	<u>7866</u>	<u>8180</u>
<u>24</u>	<u>S</u>	<u>5405</u>	<u>5564</u>	<u>5730</u>	<u>5901</u>	<u>6209</u>	<u>6529</u>	<u>6840</u>	<u>7153</u>	<u>7474</u>	<u>7937</u>	<u>8254</u>
<u>25</u>	<u>B</u>	<u>5440</u>	<u>5602</u>	<u>5771</u>	<u>5944</u>	<u>6269</u>	<u>6600</u>	<u>6929</u>	<u>7258</u>	<u>7588</u>	<u>8075</u>	<u>8399</u>
<u>25</u>	<u>Q</u>	<u>5685</u>	<u>5856</u>	<u>6029</u>	<u>6210</u>	<u>6552</u>	<u>6895</u>	<u>7242</u>	<u>7587</u>	<u>7931</u>	<u>8439</u>	<u>8777</u>
<u>25</u>	<u>S</u>	<u>5760</u>	<u>5926</u>	<u>6105</u>	<u>6284</u>	<u>6624</u>	<u>6966</u>	<u>7312</u>	<u>7657</u>	<u>8000</u>	<u>8511</u>	<u>8852</u>
<u>26</u>	<u>B</u>	<u>5749</u>	<u>5920</u>	<u>6101</u>	<u>6343</u>	<u>6690</u>	<u>7044</u>	<u>7402</u>	<u>7747</u>	<u>8096</u>	<u>8618</u>	<u>8963</u>

Effective January 1, 2009**Bargaining Unit: VR-704**

<u>Pay</u> <u>Grade</u>	<u>Pay</u> <u>Plan</u> <u>Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
24	B	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
<u>25</u>	<u>Q</u>	<u>5770</u>	<u>5944</u>	<u>6119</u>	<u>6303</u>	<u>6650</u>	<u>6998</u>	<u>7351</u>	<u>7701</u>	<u>8050</u>	<u>8566</u>	<u>8909</u>
<u>25</u>	<u>S</u>	<u>5846</u>	<u>6015</u>	<u>6197</u>	<u>6378</u>	<u>6723</u>	<u>7070</u>	<u>7422</u>	<u>7772</u>	<u>8120</u>	<u>8639</u>	<u>8985</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

[26](#) [B](#) [5835](#) [6009](#) [6193](#) [6438](#) [6790](#) [7150](#) [7513](#) [7863](#) [8217](#) [8747](#) [9097](#)

Effective July 1, 2009
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
24	B	5469	5632	5802	6610	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324

Effective January 1, 2010
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 11895, effective July 31, 2009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 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**Agriculture

1. Weights and Measures Act (8 Ill. Adm. Code 600)
 - First Notice Published: 33 Ill. Reg. 7047 – 5/29/09
 - Expiration of Second Notice: 9/2/09

Attorney General

2. Illinois Estate and Generation-Skipping Transfer Tax Return (86 Ill. Adm. Code 2000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

- First Notice Published: 33 Ill. Reg. 5263 – 4/10/09
- Expiration of Second Notice: 9/5/09

Commerce Commission

3. Electric Interconnection of Large Distributed Generation Facilities (83 Ill. Adm. Code 467)
 - First Notice Published: 33 Ill. Reg. 3718 – 3/6/09
 - Expiration of Second Notice: 9/2/09
4. The Provision, Construction and Maintenance of Sanitation and Shelter Facilities for Rail Carrier Employees (92 Ill. Adm. Code 1545)
 - First Notice Published: 33 Ill. Reg. 3793 – 3/6/09
 - Expiration of Second Notice: 8/26/09

Elections

5. Approval of Voting Systems (26 Ill. Adm. Code 204)
 - First Notice Published: 33 Ill. Reg. 3169 – 2/13/09
 - Expiration of Second Notice: 8/22/09

Healthcare and Family Services

6. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 33 Ill. Reg. 5683 – 4/17/09
 - Expiration of Second Notice: 8/30/09
7. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 33 Ill. Reg. 6608 – 5/15/09
 - Expiration of Second Notice: 9/3/09
8. Veterans' Health Insurance Program (89 Ill. Adm. Code 128)
 - First Notice Published: 33 Ill. Reg. 3022 – 2/13/09
 - Expiration of Second Notice: 8/22/09
9. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 33 Ill. Reg. 3588 – 2/27/09
 - Expiration of Second Notice: 8/30/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

10. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 33 Ill. Reg. 5685 – 4/17/09
 - Expiration of Second Notice: 8/30/09
11. Child Support Enforcement (89 Ill. Adm. Code 160)
 - First Notice Published: 33 Ill. Reg. 6377 – 5/8/09
 - Expiration of Second Notice: 8/22/09

Higher Education

12. Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)
 - First Notice Published: 33 Ill. Reg. 5986 – 4/24/09
 - Expiration of Second Notice: 9/5/09

Human Services

13. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 33 Ill. Reg. 5201 – 4/10/09
 - Expiration of Second Notice: 8/29/09
14. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
 - First Notice Published: 33 Ill. Reg. 5699 – 4/17/09
 - Expiration of Second Notice: 8/29/09
15. General Assistance (89 Ill. Adm. Code 114)
 - First Notice Published: 33 Ill. Reg. 5228 – 4/10/09
 - Expiration of Second Notice: 8/29/09
16. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 33 Ill. Reg. 5248 – 4/10/09
 - Expiration of Second Notice: 8/29/09
17. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 33 Ill. Reg. 5710 – 4/17/09
 - Expiration of Second Notice: 8/29/09
18. Workers' Compensation (Repealer) (89 Ill. Adm. Code 645)
 - First Notice Published: 33 Ill. Reg. 4556 – 3/27/09
 - Expiration of Second Notice: 8/26/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

Insurance

19. Preferred Provider Programs (50 Ill. Adm. Code 2051)
 - First Notice Published: 33 Ill. Reg. 1927 – 2/6/09
 - Expiration of Second Notice: 9/5/09
20. Preferred Provider Program Administrators (Repealer) (50 Ill. Adm. Code 2051)
 - First Notice Published: 33 Ill. Reg. 2020 – 2/6/09
 - Expiration of Second Notice: 9/5/09

Public Health

21. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
 - First Notice Published: 33 Ill. Reg. 1425 – 1/23/09
 - Expiration of Second Notice: 8/19/09
22. Adverse Health Care Event Reporting Code (77 Ill. Adm. Code 235)
 - First Notice Published: 32 Ill. Reg. 19425 – 12/19/08
 - Expiration of Second Notice: 9/3/09
23. Community Health Center Expansion (77 Ill. Adm. Code 975)
 - First Notice Published: 33 Ill. Reg. 3940 – 3/6/09
 - Expiration of Second Notice: 9/3/09

Sex Offender Management Board

24. Sex Offender Evaluation and Treatment (20 Ill. Adm. Code 1905)
 - First Notice Published: 32 Ill. Reg. 16704 – 10/17/08
 - Expiration of Second Notice: 9/11/09
25. Juvenile Sex Offender Evaluation and Treatment (20 Ill. Adm. Code 1910)
 - First Notice Published: 32 Ill. Reg. 16712 – 10/17/08
 - Expiration of Second Notice: 9/11/09

State Board of Investment

26. State of (Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
 - First Notice Published: 33 Ill. Reg. 4433 – 3/27/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

-Expiration of Second Notice: 9/10/09

EMERGENCY RULEMAKINGSElections

27. Campaign Financing (26 Ill. Adm. Code 100)
-Notice Published: 33 Ill. Reg. 9809 – 7/10/09

Healthcare and Family Services

28. Special Eligibility Groups (89 Ill. Adm. Code 118)
-Notice Published: 33 Ill. Reg. 10780 – 7/17/09
29. Medical Assistance Programs (89 Ill. Adm. Code 120)
-Notice Published: 33 Ill. Reg. 10785 – 7/17/09
30. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 33 Ill. Reg. 10800 – 7/17/09

Human Services

31. Food Stamps (89 Ill. Adm. Code 121)
-Notice Published: 33 Ill. Reg. 11322 – 7/31/09

Transportation

32. Selection of Architect-Engineer Consultant Firms (44 Ill. Adm. Code 625)
-Notice Published: 33 Ill. Reg. 11127 – 7/24/09

PEREMPTORY RULEMAKINGSCentral Management Services

33. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 33 Ill. Reg. 10823 – 7/17/09
34. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 33 Ill. Reg. 11082 – 7/24/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AUGUST AGENDA

35. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 33 Ill. Reg. 11698 – 8/7/09

Human Services

36. Collections and Recoveries (89 Ill. Adm. Code 165)
-Notice Published: 33 Ill. Reg. 11336 – 7/31/09

AGENCY RESPONSE

Environmental Protection Agency

37. Permit Fees for Installing or Extending Sewers (35 Ill. Adm. Code 320; 33 Ill. Reg. 3576)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 28, 2009 through August 3, 2009 and have been scheduled for review by the Committee at its August 18, 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>
9/10/09	<u>State Board of Investment</u> , State of (Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)	3/27/09 33 Ill. Reg. 4433	8/18/09
9/11/09	<u>Sex Offender Management Board</u> , Sex Offender Evaluation and Treatment (20 Ill. Adm. Code 1905)	10/17/08 32 Ill. Reg. 16704	8/18/09
9/11/09	<u>Sex Offender Management Board</u> , Juvenile Sex Offender Evaluation and Treatment (20 Ill. Adm. Code 1910)	10/17/08 32 Ill. Reg. 16712	8/18/09

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 33, Issue 33 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

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86 - 3000	11759
89 - 121	11772

ADOPTED RULES

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89 - 146	8/1/2009	11803
11 - 436	8/1/2009	11880
11 - 450	8/1/2009	11884
11 - 1313	8/1/2009	11890

PEREMPTORY RULES

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