

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 III. Adm. Code 301
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
301.20	Amend
301.80	Amend
301.APPENDIX A	Amend
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)], Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.), 45 CFR 1356.40 and 1356.41, the Juvenile Court Act of 1987 [705 ILCS 405], the Adoption Act [750 ILCS 50], and the Adam Walsh Child Protection and Safety Act (PL 109-248) and the Children and Family Services Act [20 ILCS 505/5(v-1)]
- 5) A Complete Description of the Subjects and Issues Involved: To comply with the Children and Family Service Act [20 ILCS 505/5(v-1)] and the Adam Walsh Child Protection Act, the Department is amending Section 301.80, Relative Home Placement, requiring that the relative and all members of the household 17 years and older must be fingerprinted within 30 days after initial placement of a relative child for a criminal background check and for the worker to reach a final decision of placement within 90 days.

The Department is also updating the list of convictions in Appendix A to conform with the Methamphetamine Control and Community Protection Act.
- 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 amendments pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: This rulemaking affects child welfare agencies.
 - B) Reporting, bookkeeping or other procedures required for compliance: Besides making copies of required files, there are no additional costs to small businesses.
 - C) Types of professional skills necessary for compliance: Clerical
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
- 301.2 Definition (Repealed)
- 301.3 Foster Care Placement Goal (Renumbered)
- 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
- 301.20 Definitions
- 301.30 Introduction
- 301.40 Legal Authority to Place
- 301.50 Emergency Placement
- 301.60 Placement Selection Criteria
- 301.70 Sibling Placement
- 301.80 Relative Home Placement
- 301.90 Foster Family Home Care
- 301.100 Residential Care
- 301.110 Care in a Medical/Psychiatric Facility
- 301.120 Sharing Appropriate Information with the Caregiver
- 301.130 Medical Examinations for Children in Placement
- 301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

- 301.200 Purpose
- 301.210 Family-Child Visitation
- 301.220 Sibling Visitation
- 301.230 Contact Among Siblings Placed Apart
- 301.240 Grandparents Visitation

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SUBPART C: FOSTER CARE PLACEMENT GOAL

Section	Purpose
301.310	Purpose
301.320	Foster Care Placement Goal
301.330	Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER
IDENTIFYING INFORMATION

Section	Purpose
301.410	Purpose
301.420	Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430	Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440	Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450	Specific Notice of Disclosure
301.460	Disclosure Prohibited
301.470	Redislosure Prohibited

301.APPENDIX A Criminal Convictions ~~that~~^{which} Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50]; Adam Walsh Child Protection and Safety Act and The Children and Family Services Act [20 ILCS 505/5(v-1)].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USCA 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings", as used in this Part, means telephone and written communication among siblings who are placed apart from one another.

"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(c) of this Part.

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"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Father" means a man presumed to be the natural father of a child if:

- *he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;*
- *after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act;*
- *he and the natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Public Aid under Section 10-17.7 of the Illinois Public Aid Code; or*
- *he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Act.*

A man can rebut a presumption of paternity before a court of jurisdiction [750 ILCS 45/5]. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 302.60 (Placement Selection) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

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"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.

"Siblings" mean children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

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"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 301.80 Relative Home Placement

- a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).
- b) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following conditions for placement and signs an agreement to that effect. The relative:
 - 1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);
 - 2) is willing and capable of protecting the children from harm by the parents or any other person whose actions or inactions allegedly threatened the children's safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 3) agrees not to transfer physical custody of the children to anyone, including parents or other relatives, unless previously authorized in writing by the Department;
- 4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;
- 5) agrees to notify the Department of any changes in the household composition;
- 6) agrees to notify the Department of any change of address prior to moving;
- 7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;
- 8) agrees to take the children out of state only if previously authorized in writing by the Department;
- 9) agrees to abide by any conditions or limitations on the parent-child visitation plan;
- 10) is willing to cooperate with the agency, the children's parents and other resource persons to help develop and achieve the permanency goal recorded in the children's service plan;
- 11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate;
- 12) agrees not to subject the child to corporal punishment, verbal abuse, threats, or derogatory remarks about the child or the child's family; ~~and~~
- 13) agrees that any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time; ~~and~~.

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14) agrees to sign, and have all members residing in the home age 17 and over sign, an authorization for a criminal background check and agrees to be fingerprinted no later than 30 days after the placement for a final child placement decision.

- c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:
- 1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:
 - A) the type of indicated abuse and neglect;
 - B) the age of the individual at the time of the report;
 - C) the length of time that has elapsed since the most recent indicated report;
 - D) the relationship of the report to the ability to care for the related children; and
 - E) evidence of successful parenting;
 - 2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household and children age 13 and over, is completed prior to placement of the related children. If the results of the LEADS check identify prior criminal convictions listed in Appendix A ~~of 89 Ill. Adm. Code 301 (Placement and Visitation Services)~~ for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A ~~of this Part~~;

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- 3) the home is free from observable hazards;
- 4) prescription and non-prescription drugs, dangerous household supplies, and dangerous tools are stored in places inaccessible to children;
- 5) any and all firearms and ammunition are locked up at all times and kept in places inaccessible to children;
- 6) basic utilities (water, heat, electricity) are in operation;
- 7) sleeping arrangements are suitable to the age and sex of the children;
- 8) meals can be provided daily to the related children in sufficient quantities to meet the children's nutritional needs;
- 9) supervision of the related children can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;
- 10) the relative can provide basic necessities for themselves and their own children;
- 11) the relative can access health care and provide necessary in-home support for any health care needs of the related children;
- 12) no member of the household appears to have a communicable disease which could pose a threat to the health of the related children or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related children or to evacuate them safely in an emergency;
- 13) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;
- 14) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;

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- 15) the relative has immediate access to a telephone when the related child has medical or other special needs;
- 16) the relative shall cooperate with the supervising agency's educational and service plan for the child;
- 17) the relative is able to communicate with the child in the parent's or child's preferred language.
- d) Within 90 days after initial placement of a relative child, a final placement decision shall be determined by a supervisor of the placing agency based on the criminal background check results of all persons 17 years and older who are living in the home and based on the best interest of the child.
- ed) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.
- fe) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the children. Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (b) and (c) above and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.
- gf) The Department may, after providing notice as required by 89 Ill. Adm. Code 337 (Service Appeal Process), move the child to another placement if the Department determines, based on the consideration and assessment of the safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.
- hg) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes). When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the

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number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 301.APPENDIX A Criminal Convictions thatwhich Prevent Placement of Children with Relatives

- a) Children for whom the Department of Children and Family Services is legally responsible shall not be placed with a relative, as defined in this Part, or allowed to remain in the home of a relative if the relative caregiver or any adult member of the household has been convicted of committing any of the following crimes, except as allowed via a waiver process below.

1) Homicide

Murder*

Solicitation of murder*

Solicitation of murder for hire*

Intentional homicide of an unborn child*

Voluntary manslaughter of an unborn child*

Involuntary manslaughter*

Reckless homicide*

Concealment of a homicidal death*

Involuntary manslaughter of an unborn child*

Reckless homicide of an unborn child*

Drug induced homicide*

2) Sex Offenses

Child pornography*

Exploitation of a child*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Sexual exploitation of a child*

Obscenity

Harmful materials

Tie in sales of obscene publications to distributors

Indecent solicitation of a child*

Indecent solicitation of an adult

Public indecency

Sexual relations within families*

Prostitution

Soliciting for a prostitute

Soliciting for a juvenile prostitute*

Solicitation of a sexual act

Pandering

Keeping a place of prostitution*

Keeping a place of juvenile prostitution*

Patronizing a prostitute

Patronizing a juvenile prostitute*

Pimping

Juvenile pimping*

3) Kidnapping and Related Offenses

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Kidnapping

Aggravated unlawful restraint

Forcible detention

Aiding and abetting child abduction*

Aggravated kidnapping

Child abduction*

4) Bodily Harm

Aggravated battery of a child*

Criminal sexual assault*

Aggravated criminal sexual assault*

Predatory criminal sexual assault of a child*

Criminal sexual abuse*

Aggravated sexual abuse*

Heinous battery*

Aggravated battery with a firearm

Tampering with food, drugs, or cosmetics

Drug-induced infliction of great bodily harm

Aggravated stalking

Home invasion

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Vehicular invasion

Criminal transmission of HIV

Criminal neglect of an elderly or disabled person

Child abandonment*

Endangering the life or health of a child*

Ritual mutilation

Ritualized abuse of a child*

Any violation of the Methamphetamine Control and Community Protection Act.

- 5) An offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.
- b) If the relative caregiver or any adult member of the household has been convicted of one of the crimes in subsections (a)(1) or (5) above marked by an asterisk, any request for a waiver must be submitted in writing to the Director of the Department for his or her personal approval. The supervising agency shall submit the following information along with the request for waiver of the criminal ~~conviction~~conviction(s).
- 1) the age of the individual at the time of the conviction(s);
 - 2) the length of time that has elapsed since the last conviction(s);
 - 3) the relationship of the crime and the capacity to care for related children;
 - 4) evidence of rehabilitation; and
 - 5) opinions of community members concerning the individual in question.
- c) If the relative caregiver ~~or~~or any adult member of the household has been convicted of one of the crimes identified in subsections (a)(1) through (5) above

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not marked by an asterisk, related children for whom [the Department DCFS](#) is legally responsible shall not be placed in or continue to remain in the relative caregiver's household unless a waiver of this prior criminal history has been granted in accordance with the requirements of this subsection. The Director of the Department shall designate specific Department employees who have the authority to grant [thesesueh](#) waivers on a 24 hour per day basis. When the supervising agency believes that there have been extraordinary circumstances surrounding the criminal history or the convicted [personsperson\(s\)](#) has been successfully rehabilitated and placement in the relative's household is in the best interests of the children, the supervising agency may request a waiver of this prior criminal history by asking the Department to consider the factors in [subsection \(b\) above](#). [TheseSueh](#) requests may be made orally, but must be confirmed in writing. The Department's decision with regard to the request for a waiver shall be documented in writing and included in the child's case record.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Intercountry Adoption Services
- 2) Code Citation: 89 Ill. Adm. Code 333
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions</u>
333.1	Repealed
333.2	Repealed
333.3	Repealed
333.4	Repealed
333.5	Repealed
333.6	Repealed
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Children and Family Services Act [20 ILCS 505], the Interstate Compact on the Placement of Children Act [45 ILCS 15], and the Adoption Act [750 ILCS 50] and implementing the Immigration and Nationality Act of 1952 (8 USC 1101 et seq.) and the Intercountry Adoption Act of 2000 (42 USC 14901-14952)
- 5) A Complete Description of the Subjects and Issues Involved: For clarity in implementing the provisions of the Intercountry Adoption Act of 2000 and current practice, all Sections of this Part are being repealed and new Sections were created in another Part with the same number.
- 6) Published studies and 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects licensed child welfare agencies providing intercountry adoption services. The provisions in the proposed rule codify current practice.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records related to compliance.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with adoption service regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 333

INTERCOUNTRY ADOPTION SERVICES [\(REPEALED\)](#)

Section

333.1	Purpose
333.2	Definitions
333.3	Authorization of Child Placing Agencies/Agents
333.4	Illinois Pre-Adoptive Requirements
333.5	Guardianship
333.6	Pre-Placement, Home Study and Post Placement Services

AUTHORITY: Implementing and authorized by the Child Care Act of 1969. (Ill. Rev. Stat. 1981, ch. 23, pars. 2211 et seq.); An Act Creating the Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and Sections herein named (Ill. Rev. Stat. 1981, ch. 23, pars. 5001 et seq.); the Interstate Compact on the Placement of Children, (Ill. Rev. Stat. 1981, ch. 23, pars. 2601 et seq.); An Act in relation to the adoption of persons, and to repeal an act therein named, (Ill. Rev. Stat. 1981, ch. 40, pars. 1501 et seq.) and implementing the Immigration and Nationality Act of 1952, (8 U.S.C. 1101 et seq.).

SOURCE: Adopted and codified at 6 Ill. Reg. 14513, effective November 22, 1982; repealed at 35 Ill. Reg. _____, effective _____.

Section 333.1 Purpose

The purpose of this rule is to establish appropriate jurisdictional responsibility for intercountry adoptive placements, to outline the requirements of the intercountry adoption process and, to ensure that children from a foreign country who are being placed for adoption in Illinois receive the same rights and protections during an adoptive placement as children who are born in this country.

Section 333.2 Definitions

"Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

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"Foreign placing agency" is an agency or individual operating in a country or territory outside the United States which is authorized by its country to place children for adoption either directly with families in the United States or through U.S. based international agencies.

"Intercountry adoption" is a process by which a child from a country other than the United States is adopted.

"Intercountry adoption coordinator" is a staff person of the Department appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children.

"Interstate Compact on the Placement of Children" is a law enacted by most states, for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

"Non-Compact State" means a state which has not enacted the Interstate Compact on the Placement of Children.

"Pre-adoption requirements" are any conditions established by the laws and/or regulations of the Federal Government or of each state that must be met prior to the placement of a child in an adoptive home.

Section 333.3 Authorization of Child Placing Agencies/Agents

- a) In order to place a foreign born child in the State of Illinois for the purpose of adoption:
 - 1) an in-state agency must be licensed as a child welfare agency as defined by Illinois law.
 - 2) agencies in Interstate Compact States must be licensed as a child placing agency by the state in which they are located and must comply with the Interstate Compact on the Placement of Children.
 - 3) all foreign placing agencies must submit:

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- A) a license or court documents which authorize that agency to place children for adoption.
 - B) sample documents and supportive material that document their procedures for working with Illinois families and ability to meet the Illinois pre-adoption requirements listed in Section 333.4.
- b) The Department shall give due consideration to the substitution of specific required documents where, for good reason, non-U.S. based placing agencies are unable to meet the established requirements for qualifications as an authorized agency.
 - c) A person, agency or organization other than a licensed child care institution or child welfare agency, may not receive a foreign child without prior notice to and approval of, the Department.
 - d) Any placing party which knowingly or repeatedly submits incomplete, inaccurate, false or misrepresentative credentials or information regarding children shall be precluded from placing children in the State of Illinois. Such placing party may again be authorized by approval of the Intercountry Adoption Coordinator, upon satisfactory proof that such practices have been eliminated.

Section 333.4 Illinois Pre-Adoptive Requirements

- a) When a foreign-born child is brought to the United States for adoption in Illinois, the following pre-adoption requirements must be met:
 - 1) The placing agency must be authorized by the Department to place in Illinois.
 - 2) Documentation that the child is legally free for adoption prior to entry into the United States must be submitted.
 - 3) A medical report on the child, by authorized medical personnel in the country of the child's origin must be provided when such personnel are available.
 - 4) Verification of foster home licensing of the adoptive family must be provided.

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- 5) A valid home study conducted by a licensed child welfare agency, that is in compliance with guidelines established by the Immigration and Naturalization Services of the United States (8 CFR Section 204.4(d)(2)(i)) must be submitted. A home study is considered valid if it contains:
 - A) A factual evaluation of the financial, physical, mental and moral capabilities of the prospective parent or parents to rear and educate the child properly.
 - B) A detailed description of the living accommodations where the prospective parent or parents currently reside.
 - C) A detailed description of the living accommodations in the United States where the child will reside, if known.
 - D) A statement or attachment recommending the proposed international adoption signed by an official of the child welfare agency which has conducted the home study.
 - 6) The placing agency located in a non-Compact state, or a family desiring to adopt through an authorized placement party in a non-Compact state or a foreign country, shall place a \$5,000 bond as protection that a "foreign-born child accepted for care or supervision not become a public charge upon the State of Illinois." The bond shall be required until the date of the finalization of the adoption.
 - 7) In lieu of the \$5,000 bond the placement agency may sign a binding agreement with the Department of Children and Family Services to assume full liability for all placements should, for any reason, the adoption be disrupted or not be completed, inclusive of financial and planning responsibility until the child is either returned to the country of its origin or re-placed with a new adoptive family in the United States and that adoption is finalized.
 - 8) Compliance with Interstate Compact on the Placement of Children requirements, when applicable.
- b) When a child is adopted in a foreign country and a final, complete and valid Order

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of Adoption is issued, as determined by both the U.S. Department of State and the U.S. Department of Justice, there are no Illinois pre-adoption requirements. The family, however, must comply with Federal requirements (8 CFR Section 204.2(d)(2)(ii)).

Section 333.5 Guardianship

The prospective adoptive parents may be named guardian of the child. When prospective parents are named guardian by a foreign court, the parents must immediately file an adoption petition in an Illinois court requesting that the court, as part of its interim order, recognize their guardianship and also appoint a guardian ad litem with the power to consent to adopt as provided by the Adoption Act.

Section 333.6 Pre-Placement, Home Study and Post Placement Services

- a) The Coordinator of Intercountry Adoptions shall coordinate the provision of services by the public and private sectors to prospective Illinois adoptive parents of foreign-born children. Such services shall include:
 - 1) providing information on the intercountry adoptive process, listings of Illinois licensed child welfare agencies, authorized foreign child-placing agencies and adoptive parent support groups.
 - 2) granting authorization to child placing agencies meeting the Illinois requirements, seeking to expand the availability of such agencies and encouraging the Illinois private sector to provide intercountry adoptive services.
 - 3) notifying the Immigration and Naturalization Services when prospective adoptive parents have complied with the Illinois pre-adoption requirements and/or completed a valid home study by a properly licensed agency.
 - 4) processing documents, correspondence and Immigration certification materials within a reasonable timeframe.
 - 5) assistance in handling a disrupted intercountry child placement.
 - 6) assuring that the child's legal adoption is completed.

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- b) To facilitate the adoption process, all intercountry adoptive home studies must be forwarded to the Coordinator of Inter-country Adoptions for verification of compliance with Department guidelines. The home study will be considered valid for a period of one (1) year from the date of the completion of the homestudy, after which time revalidation to the coordinator by the home study agency must occur.
- c) To provide alternative avenues open to prospective families in geographic areas of the state where the public or private sector cannot fulfill the service requests relating to foreign adoptions, the Department of Children and Family Services may:
 - 1) utilize Department staff or establish a contractual relationship with certified social workers who have prior experience in the field of child placements.
 - 2) establish specified fees for the services if provided by the Department of Children and Family Services in the event the Department can no longer provide adoptive home studies and post-placement services free of charge.
- d) The agency monitoring the adoption must submit a copy of the Judgment of Adoption to the Coordinator of Intercountry Adoptions within 30 days of finalization of the adoption.

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- 1) Heading of the Part: Intercountry Adoption Services
- 2) Code Citation: 89 Ill. Adm. Code 333
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
333.10	New
333.20	New
333.30	New
333.40	New
333.50	New
333.60	New
333.70	New
333.80	New
333.90	New
333.APPENDIX A	New
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10], the Children and Family Services Act [20 ILCS 505], the Interstate Compact on the Placement of Children Act [45 ILCS 15] and the Adoption Act [750 ILCS 50] and implementing the Immigration and Nationality Act of 1952 (8 USC 1101 et seq.) and the Intercountry Adoption Act of 2000 (42 USC 14901-14952)
- 5) A Complete Description of the Subjects and Issues Involved: For clarity in implementing the provisions of the Intercountry Adoption Act of 2000 and current practice, all Sections of this Part are being repealed and new Sections codified in this rulemaking.
- 6) Published studies and 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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NOTICE OF PROPOSED RULES

- 12) Time, Place, and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects licensed child welfare agencies providing intercountry adoption services. The provisions in the proposed rule codify current practice.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records related to compliance.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with adoption service regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 333

INTERCOUNTRY ADOPTION SERVICES

Section

333.10	Purpose
333.20	Definitions
333.30	Requirements of Child Placing Agencies
333.40	Illinois Pre-Adoption Requirements
333.50	Illinois Post-Adoption Requirements
333.60	Guardianship
333.70	Intercountry Adoption Coordinator Services
333.80	Adoption Home Study Services
333.90	Requirements for Adoption of Children Emigrating from the United States
333.APPENDIX A	Minimum Requirements of Adoptive Homes

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children and Family Services Act [20 ILCS 505], the Interstate Compact on the Placement of Children Act [45 ILCS 15] and the Adoption Act [750 ILCS 50] and implementing the Immigration and Nationality Act of 1952 (8 USC 1101 et seq.) and the Intercountry Adoption Act of 2000 (42 USC 14901-14952).

SOURCE: Old Part adopted and codified at 6 Ill. Reg. 14513, effective November 22, 1982; old Part repealed at 35 Ill. Reg. _____, effective _____, and new Part adopted at 35 Ill. Reg. _____, effective _____.

Section 333.10 Purpose

The purpose of this Part is to establish appropriate jurisdictional responsibility for intercountry adoptive placements, to outline the requirements of the intercountry adoption process, and to ensure that children from a foreign country who are being placed for adoption in Illinois receive the same rights and protections during an adoptive placement as children who are born in this country. This Part also sets out the requirements for the adoption of children born in the United States or permanent residents of the United States by a resident of a foreign country.

Section 333.20 Definitions

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"Accredited agency" or "Hague accredited agency" means an adoption agency accredited by the entity designated by the federal government to provide adoption services in the United States for cases subject to the Hague Intercountry Adoption Convention.

"Adoption disruption" occurs when an adoptive placement does not prove successful and it becomes necessary for the child to be removed from placement before the adoption is finalized.

"Adoption services" includes any one or more of the following services performed for any type of compensation or thing of value, directly or indirectly:

arranging for the placement of or placing out a child,

identifying a child for adoption,

matching adoptive parents with biological parents,

arranging or facilitating an adoption,

taking or acknowledging consents or surrenders for termination of parental rights for purposes of adoption, as defined in the Adoption Act,

performing background studies on a child or adoptive parents,

making determinations of the best interests of a child and the appropriateness of adoptive placement for the child, or

post-placement monitoring of a child prior to adoption.

"Adoption services" does not include the following:

the provision of legal services by a licensed attorney for which the attorney must be licensed as an attorney under Illinois law,

adoption-related services performed by public governmental entities or entities or persons performing investigations by court appointment as described in subsection A of Section 6 of the Adoption Act,

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prospective biological parents or adoptive parents operating on their own behalf,

the provision of general education and training on adoption-related topics, or

post-adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.
[225 ILCS 10/2.24]

"Agency in good standing" means a licensed child welfare agency (see 89 Ill. Adm. Code 401) with no substantiated licensing violations.

"Background check", for prospective foster and adoptive parents, means:

A criminal history check of persons age 17 and over whose fingerprints are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records or the National Crime Information Center (NCIC) database, when applicable, for prospective foster and adoptive parents; and

A check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, or the National Sex Offenders Registry, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

A check of the Illinois Sex Offender Registry and the National Sex Offenders Registry, as appropriate.

"Convention" or "Hague" means the Hague Adoption Convention.

"Convention adoption" means an adoption of a child who is a resident of a foreign country that is a party to the Convention by a United States Citizen or an adoption of a child who is a resident of the United States by an individual residing in another Convention country.

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"Convention agency" means an agency that has been accredited on a national level to provide adoption services in Convention adoption cases (currently, COA).

"Convention country" means a country that is a party to the Hague Adoption Convention.

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

"Exempt provider" means a social worker professional or organization that performs home studies. Exempt providers are not required to be accredited; however, the home study performed by an exempt provider shall be approved by an accredited agency.

"Foreign placing agency" means an agency or individual operating in a country or territory outside the United States that is authorized by its country to place children for adoption either directly with families in the United States or through U.S.-based international agencies.

"Home study" means a document attesting that the home has been evaluated by an approved agency/entity in accordance with requirements set out in Section 333.80.

"Home study revalidation" means the review and approval of an adoptive home study that is 12 months old or more and adheres to this Part and 8 CFR 204.311 (2011).

"Illinois placing agency" means a child welfare agency licensed in Illinois and operating in Illinois as an adoption agency or placing agency.

"Intercountry adoption" means a process by which a child from a country other than the United States is adopted by a U.S. resident.

"Intercountry Adoption Coordinator" means a staff person of the Department appointed by the Director to coordinate the provision of services by the public and private sector to prospective parents of foreign-born children, and to coordinate and approve the adoption of children born in the United States by a resident of a foreign country.

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"Interstate Compact on the Placement of Children" means a law enacted by most states for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes or other child care facilities.

"Investigative report" means a report about a prospective adoptive family that adheres to the Adoption Act submitted to the court with jurisdiction over an adoption proceeding.

"Non-Compact State" means a state or U.S. territory that has not enacted the Interstate Compact on the Placement of Children.

"Non-Convention adoption" means an adoption by a U.S. citizen of a child who is a resident of a foreign country that is not a party to the Convention.

"Placing agency" means both Illinois placing agencies and foreign placing agencies as defined in this Section.

"Post-adoption report" means a written report compiled after the adoption has been finalized that complies with the State requirements regarding the number of post-adoption home visits that must be conducted.

"Post-adoption supervision" means an in-person contact by the placing agency with an adopted child and the family that has adopted the child after an adoption has occurred in a foreign country to meet the requirements of a foreign country.

"Post-placement report" means a written report generated as a result of in-person contact by the supervising agency with a family and child after the family has been granted legal custody and/or guardianship.

"Pre-adoption requirements" means any conditions established by the laws and/or regulations of the federal government or the State that must be met prior to the placement of a child in an adoptive home.

Section 333.30 Requirements of Child Placing Agencies

- a) In order to place a foreign born child in the United States for the purpose of adoption or to provide adoption services:

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- 1) An Illinois placing agency shall be a Hague accredited agency or acting under the responsibility and supervision of a Hague accredited agency.
 - 2) An out-of-state Convention adoption agency shall be licensed/certified as a placing agency by the state in which it is located and shall comply with the Interstate Compact on the Placement of Children Act [45 ILCS 15] and shall be Hague accredited.
 - 3) An out-of-state non-Convention adoption agency shall be licensed/certified as a placing agency by the state in which it is located and shall comply with the Interstate Compact on the Placement of Children Act.
 - 4) All foreign placing agencies that intend to place a child for adoption in Illinois shall, upon request, submit to the Intercountry Adoption Coordinator a copy of their license/certification or court documents that authorize the agency to place children for adoption.
 - 5) An Illinois placing agency shall inform the Department of all countries in which the agency has an adoption program. The agency shall provide supporting documentation to show approval or accreditation of adoption services in those countries.
- b) Any placing agency shall not, in policy or practice, discriminate against any child or prospective adoptive parents on the basis of race.
 - c) All agencies, in adoption cases subject to the federal Intercountry Adoption Act (42 USC 14901-14952), shall be Hague accredited agencies or under the supervision of a Hague accredited agency, or be an exempt provider.
 - d) Any placing agency shall give due consideration to a home study performed in accordance with Section 333.80 by a Hague accredited agency or Hague exempt agency as long as the agency is in compliance with 89 Ill. Adm. Code 401 (Licensing Standards for Child Welfare Agencies).

Section 333.40 Illinois Pre-Adoption Requirements

- a) When a foreign-born child is brought to Illinois for finalization of an adoption, the following pre-adoption requirements shall be met:

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- 1) The Department shall authorize a placing agency to place in Illinois.
- 2) The placing agency shall secure and submit documentation that the child is legally free for adoption prior to entry into the United States that also includes:
 - A) A medical report on the child by a licensed or certified medical provider from the country of the child's origin;
 - B) The foster family home license of the adoptive family issued by the Department pursuant to the Child Care Act of 1969; and
 - C) A home study conducted by a licensed child welfare agency that is in compliance with Section 333.80.
- b) When a foreign-born child is brought to the United States by the placing agency and the adoption has not been finalized in a foreign country, the agency responsible for post-adoption services shall submit a copy of the Order of Adoption to the Intercountry Adoption Coordinator within 30 days after finalization of the adoption.

Section 333.50 Illinois Post-Adoption Requirements

The adoptive family shall indicate its agreement in writing to make themselves available to the supervising agency for interviews, observations and post-placement visits, in a manner that is consistent with the supervising agency's policies and procedures.

Section 333.60 Guardianship

The prospective adoptive parents may be named legal guardians or custodians of the child. When prospective adoptive parents are named legal guardians or custodians by a foreign court, the parents shall file an adoption petition within 30 days after the child's entry into the United States requesting, as part of the interim order, that the Illinois court recognize their guardianship and appoint a guardian ad litem when applicable, with the power to consent to adopt as provided by the Adoption Act.

Section 333.70 Intercountry Adoption Coordinator Services

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The Intercountry Adoption Coordinator shall coordinate the provision of services for intercountry adoptions by:

- a) Providing authorization to child placing agencies meeting the Illinois requirements for adoptive placements of children immigrating to or emigrating from the United States.
- b) Notifying the United States Citizenship and Immigration Services (USCIS) when prospective adoptive parents have complied with the Illinois pre-adoption requirements and/or completed a valid home study by a properly licensed child welfare agency.
- c) Notifying the Department's licensing representative when an adoption agency or adoption service closes or is aware of a violation of licensing standards as required in 89 Ill. Adm. Code 401.590 (Adoption Agency Information and Complaint Registry).
- d) When the Intercountry Adoption Coordinator has denied an adoption, a new application by a prospective adoptive parent for adoption approval may be filed not sooner than 12 months from the date of denial.

Section 333.80 Adoption Home Study Services

- a) A home study shall be completed by a child welfare agency licensed in Illinois and meet the requirements of the Department and the federal Department of Homeland Security (8 CFR 204, Immigrant Petitions (2011)).
- b) The Department shall consider a home study to be valid for a maximum period of 12 months from the date of the completion of the home study. Home studies shall also meet the requirements of USCIS. A home study revalidation shall be required when the home study is more than 12 months old and a child has not been placed. A copy of the revalidation shall be forwarded to the Intercountry Adoption Coordinator.
- c) An adoption home study shall consist of:
 - 1) A factual evaluation of the financial, physical and mental suitability of the prospective parent or parents to raise and educate the child properly;

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- 2) Background check results, including a statement as to whether the prospective adoptive parent or parents have a history of substance abuse, child abuse, domestic violence, criminal convictions and/or arrest history, physical or sexual abuse, either as a victim or perpetrator, even if the incident did not result in an arrest or conviction;
 - 3) A statement indicating whether the prospective adoptive parents have ever voluntarily surrendered parental rights or had parental rights involuntarily terminated, including the circumstances;
 - 4) A detailed description of the living accommodations where the prospective parent or parents currently reside that meets the minimum standards of Appendix A;
 - 5) A statement on the motivation for adoption;
 - 6) Documentation of pre-adoptive training;
 - 7) Characteristics of the children who the prospective adoptive parent would be qualified to adopt; and
 - 8) The home study shall be signed and dated by a home study worker who has conducted the home study and the worker's supervisor.
- d) **Pre-Adoption Requirements**
In addition to complying with Section 333.40, the child welfare agency that completes the adoptive home study shall:
- 1) Offer to provide adoption preservation services or refer families for appropriate services in their community;
 - 2) Obtain a written agreement from the adoptive parents for regular post-adoption visits to take place as required by the State of Illinois, placement agency or country of origin.
- e) **Post-Placement Requirements**
In addition to complying with Section 333.40, the child welfare agency that completes the adoptive home study shall:

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- 1) Submit post-placement or post-adoption reports to the Intercountry Adoption Coordinator within 30 days after the child's immigration to the US;
- 2) Provide post-placement services until the adoption has been finalized;
- 3) Complete post-placement reports as required by Section 6 of the Adoption Act; and
- 4) Complete the investigative report for the adoption as required by the court (see 750 ILCS 50/6).

Section 333.90 Requirements for Adoption of Children Emigrating from the United States

- a) An Illinois placing agency shall:
 - 1) Be licensed as a child welfare agency in Illinois;
 - 2) Be Hague accredited; and
 - 3) Obtain prior written approval from the Department's Intercountry Adoption Coordinator to place a child for adoption in a foreign country.
- b) Pre-placement Requirements in Outgoing Adoptions
 - 1) The agency shall have written procedures to ensure the safe transportation of the child or transfer of the child if the child is in the company of the adoptive parents or the prospective adoptive parents.
 - 2) The agency shall identify the entity in the receiving country that will provide post-placement supervision and reports and ensure that the child's adoption record contains the information necessary for contacting that entity.
 - 3) The placement agency shall arrange post-placement supervision and/or other support services as required until legal adoption has been achieved, the minor has been returned to the United States, or an alternate adoption plan has been developed.

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- 4) The agency shall obtain a written agreement from the adoptive parents to participate in the post-adoption visits that will take place.
- c) Placement Requirements
In the case of a Convention adoption or Non-Convention Adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency shall do the following prior to placement:
- 1) Complete and provide to the Department a social study/medical history on the child;
 - 2) Provide documentation that the child is legally available for adoption;
 - 3) Document that a home study report on the prospective adoptive parents has been prepared in accordance with the laws of the receiving country and that the study includes a background check of the prospective adoptive parents;
 - 4) Provide documentation that an Illinois court order granted transfer of custody of the child in adoption.
- d) Post-placement Requirements Prior to the Finalization of an Adoption
The agency responsible for post-adoption services shall:
- 1) Visit the children in the agency's care at least once every 30 days and discuss their wellbeing and concerns. No less than half of the visits shall be conducted in the home where the child resides; and
 - 2) Assess the safety in the pre-adoptive home.
- e) Retention of Jurisdiction
- 1) The Illinois placing agency shall retain jurisdiction over the child to determine all matters related to custody, supervision and care of the child and the final status of the case. This includes situations in which the adoption is disrupted and the agency regains custody of the child and finds an alternative adoptive family for the child. This jurisdiction shall also include the authority to effect or cause the return of the child to the United States or the child's transfer to another location.

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- 2) When applicable, the Illinois placing agency shall retain legal and financial responsibility for the child during the period of placement prior to adoption finalization.

- f) An agency found to be in violation of specific conditions of this Part may be subject to civil or criminal penalties.

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Section 333. APPENDIX A Minimum Requirements of Adoptive Homes

- a) An adoptive home located in Illinois shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- b) The water supply of the adoptive family home shall comply with the requirements of the local health department and the Illinois Department of Public Health. If the adoptive family home accepts children under age 10 or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Water Hazards Protection
 - 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
 - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, the pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
 - 3) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
 - 4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
 - 5) Adoptive parents residing in homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
- d) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas

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occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.

- e) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.
- f) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste or medication shall remain inaccessible to children during disposal.
- g) Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in an adoptive home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- h) The adoptive home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- i) The adoptive home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing immediate and unrestricted access to a telephone.
- j) The adoptive home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60].
- k) An adoptive home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.

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- l) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each adoptive child to accommodate personal belongings.

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- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
337.20	Amend
337.30	Amend
337.70	Amend
337.80	Amend
337.90	Amend
337.130	Amend
337.150	Amend
- 4) Statutory Authority: 20 ILCS 505/4 and 5
- 5) A Complete Description of the Subjects and Issues Involved:
 - Amends definition of "clinical placement review" to clarify that this review is of a disputed decision to remove a child from the foster parent/relative caregiver's home, when the child will be placed in the home of another foster family/relative caregiver.
 - Amends definition of "Department representative" to clarify that this person is an attorney or designated individual responsible for presenting the Department's position in mediation, staffings, negotiations and at an emergency review and fair hearing.
 - Amends definition of "relative" to comport with amendment of that term in the Child and Family Services Act.
 - Amends definition of "service appeal process" to clarify who may challenge service decisions of the Department.
 - Amends the process for Clinical Placement Review to comport with practice.
 - Adds a process for reviewing Child and Youth Investment Team (CAYIT) decisions.

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- Clarifies that a parent or child may appeal the failure to complete a service plan within 45 (rather than 30) calendar days after case opening.
 - Clarifies that foster parents may not appeal the removal of a child from their home when the child is being moved to relative's home.
 - Clarifies that an appeal is not permitted when the issue involves a service that the child does not currently need, but may potentially be needed at some future time.
 - Requires written notice to the child's caregiver when an issue on appeal involves placement of the child.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65-D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile: 217/557-0692

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- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 337

SERVICE APPEAL PROCESS

Section

337.10	Purpose
337.20	Definitions
337.30	The Service Appeal Process
337.40	Department and Provider Agency Responsibilities on Appealable Issues
337.50	The Right to a Service Appeal
337.60	Who May Appeal
337.70	What May Be Appealed
337.80	What May Not Be Appealed
337.90	Notices of Department or Provider Agency Decisions
337.100	How to Request a Service Appeal
337.110	Grounds for Dismissal of a Service Appeal Request
337.120	Time Frames for the Service Appeal Process
337.130	Continuing Services During the Service Appeal Process
337.140	Confidentiality During the Service Appeal Process
337.150	Notice Concerning a Service Appeal
337.160	Abandonment of a Service Appeal
337.170	Fair Hearing Appeal Rights
337.180	The Administrative Law Judge
337.190	Record of a Fair Hearing
337.200	Combined Hearings
337.210	Continuances Requested in a Combined Hearing
337.220	The Final Administrative Decision
337.230	Who Receives a Copy of the Final Administrative Decision
337.240	Notice of the Availability of Judicial Review
337.250	Severability of This Part

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective July 1, 1995; emergency

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amendment at 25 Ill. Reg. 4283, effective March 19, 2001, for a maximum of 150 days; emergency amendment repealed in response to an Objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 6735, effective May 8, 2001; amended at 26 Ill. Reg. 6246, effective June 1, 2002; amended at 26 Ill. Reg. 11778, effective August 1, 2002; amended at 35 Ill. Reg. _____, effective _____.

Section 337.20 Definitions

"Adequate Notice" means a notice ~~that~~~~which~~ contains all of the elements identified in Section 337.90(c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Child welfare services" means public social services ~~that~~~~which~~ are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems ~~that~~~~which~~ may result in, the neglect, abuse, exploitation, or delinquency of children;

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preventing the unnecessary separation of children from their families by identifying family problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance ~~that which~~ contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5].

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These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

"Clinical placement review" means a process in which designated clinical Department staff will review a disputed decision by the Department or purchase of service agency to remove a child from the home of a foster family or relative caregiver, when the child will be placed in home of another foster family or relative caregiver.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency ~~that~~which resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 [225 ILCS 10] in facilities exempt from licensure, in the homes of relatives, or in their own home.

"Department representative" means ~~an attorney or~~the designated individual responsible for presenting the Department's position in mediation, staffings, negotiations and at an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency ~~that~~which may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether ~~that~~sueh action or decision is~~was~~ in compliance with applicable laws and rules and will be in the best interests of the child.

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"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case [thatwhich](#) affects the legal rights, duties or privileges of appellants and [thatwhich](#) may be appealed in a circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 302.60 (Placement Selection) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

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"Parties" means the Department or its agents and those persons who have appealed the service decisions made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence ~~that~~which renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Relative", for purposes of placement of children for whom the Department is legally responsible, ~~means~~means any person, 21 years of age or over, other than the parent, who:

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or*
- *is the spouse of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister.*

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in Section 1-3 (4.05) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(4.05)]. [20 ILCS 505/7(b)]

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a

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provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to parents, children, guardians ad litem, foster parents and relative caregivers to challenge service decisions of the Department ~~review appealable service issues raised by appellants.~~

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 USCA 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice that complies with the requirements of Section 337.90(b) of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.30 The Service Appeal Process

When the issue is the removal ~~or placement~~ of a child from the home of a foster family or relative caregiver, the service appeal process for the Department of Children and Family Services consists of a fair hearing after a clinical placement review of the ~~placement~~ decision to remove the child pursuant to subsection (c) of this Section. When the issue is disagreement with a Child and Youth Investment Team Action Plan, the service appeal process consists of a fair hearing to review the issue pursuant to subsection (d) of this Section. In all other cases, the service appeal process for the Department of Children and Family Services consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation ~~is successful~~ resolves the issues, an agreement is drawn up₂ with the assistance of the mediator₂ and signed by the parties. In some instances the issue on appeal is too immediate to await the final administrative decision on the

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action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and final administrative decision. Mediation and emergency review is not available to any party when the issue is removal or change of placement of a child, or disagreement with a service decision in a Child and Youth Investment Team Action Plan.

a) Mediation

- 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review, clinical placement review or Child and Youth Investment Team may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.
- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.
- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.

b) Emergency Review

An emergency review allows for an interim decision pending a fair hearing and can be requested by any party. The request for an emergency review must be in writing and shall be submitted to the Administrative Hearings Unit, Department of Children and Family Services, 406 E. Monroe, Springfield, Illinois 62701. The emergency review must be requested within ten calendar days after the date of an appeal. A determination will be made whether the issues are appropriate for emergency review. If they are appropriate, the Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ten calendar days from the date of the request for emergency review. The Department shall implement the order within five

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calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

1) Lack of Timely Notice Due to Imminent Risk of Harm

A party may request an emergency review within ten calendar days after the date of appeal on any issue, except placement, where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action without timely notice. If the reviewer determines imminent risk of harm did not exist, the reviewer shall order corrective action.

2) Continuing Services Pertaining to Changes in Family Visitation During the Service Appeal

Where services pertaining to the family visitation plan remain unchanged because an appeal has been requested within ten calendar days after the date of notice, a party may request an emergency review, if that party has reasonable cause to believe that imminent risk of harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether imminent risk of harm to the child is likely to result from the stay of action. If the reviewer determines imminent risk of harm to the child is likely to result, the reviewer may order corrective action.

c) Clinical Placement Review

1) When the issue is the removal of a child from the home of a foster family or relative caregiver~~or change of placement~~, the party objecting to the removal ~~or change of placement~~ must request and complete a clinical placement review before filing a request for a service appeal. The request for a clinical placement review must be made within 3 working days after receiving the notice of intent to remove the child~~change of placement~~.

2) The Department shall conduct a clinical placement review within 5 working days after receipt of the request. During the clinical placement review, the Department will~~there will be a~~ review of the current

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placement, the reason for the ~~removal of the child~~~~disruption or change of placement~~, and the child's needs regarding safety, well being and permanency, and appropriateness and stability of the proposed placement.

- 3) The following placement changes shall not be subject to clinical placement review:
 - A) change in the child's substitute care placement when:
 - i) the child has been placed in a licensed foster family or relative caregiver's home for fewer than 60 days, or
 - ii) the child has been placed in an unlicensed relative caregiver's home for fewer than 90 days;
 - B) placement to consolidate siblings in a single home;
 - C) placement of a child in a specialized foster home, in accordance with a Child and Youth Investment Team Action Plan;
 - D) placement in a group home or institution, in accordance with a Child and Youth Investment Team Action Plan; or
 - E) placement in a transitional or independent living program, in accordance with a Child and Youth Investment Team Action Plan.
- 4) The Department or provider agency may immediately remove a child from a foster family or relative caregiver's home, without timely notice to the family, when the child is determined to be at imminent risk of harm in the current placement.
- 5) When the child, family or caregiver disagrees with the final clinical placement review decision, the objecting party may request a hearing through the Department's Administrative Hearings Unit.
- 6) The request for a fair hearing must be submitted in writing within 10 days after receiving written notice of the clinical placement review decision. The request for a hearing and a copy of the clinical placement review decision shall be sent to:

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DCFS Administrative Hearings Unit
Change of Placement Appeals
406 East Monroe, Station 15
Springfield, Illinois 62701
Fax: (217) 557-4652

- 7) If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.
- d) Review of Service Decisions in Child and Youth Investment Team Action Plans
- 1) The Child and Youth Investment Team shall attempt to reach a consensus among participants in developing an Action Plan and resolve any objections to the Action Plan that are raised. When a consensus cannot be reached, the objecting participants shall record the nature and basis of their objection on the Action Plan.
- 2) When a child or family member disagrees with a service decision in an Action Plan that denies, reduces, suspends or terminates child welfare services, the child or family member may request a fair hearing through the Department's Administrative Hearings Unit.
- 3) When a foster parent/relative caregiver disagrees with a service decision in an Action Plan that directly affects the foster parent/relative caregiver or affects services provided for the benefit of a foster child in his/her care, the foster parent/relative caregiver may request a fair hearing through the Department's Administrative Hearings Unit. (See Section 337.70(b).)
- 4) The request for a fair hearing must be submitted in writing within 45 days after receiving written notice of the decision of the Child and Youth Investment Team. Receipt of the Action Plan constitutes sufficient written notice under this Part. The request for a hearing and a copy of the Action Plan shall be sent to:

DCFS Administrative Hearings Unit
CAYIT Appeals
406 East Monroe, Station 15

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Springfield, Illinois 62701

Fax: (217) 557-4652

- 5) In order to stop any recommended denial, reduction, suspension or termination of services during the appeal, the request for a fair hearing must be submitted within 10 calendar days after receiving the Action Plan.
- 6) When an appeal is not requested within 10 days, the child or youth shall be placed in accordance with the Action Plan, and all other aspects of the Action Plan shall be implemented during the pendency of the appeal.
- 7) When a request for a hearing is received, the Administrative Hearings Unit shall conduct a review to determine whether re-convening the Child and Youth Investment Team is appropriate based on one of the following factors:
 - A) Material information that existed at the time of the Child and Youth Investment Team staffing was not presented at the staffing, and the inclusion of that information would have affected the development of the Action Plan; or
 - B) Critical staffing participants, such as the child or youth (if clinically appropriate), current caregiver, guardian ad litem or another professional with relevant, current information about the child or youth were not in attendance at the staffing and their attendance would have affected the development of the Action Plan.
- 8) If the Administrative Hearings Unit review confirms that one of the factors in subsection (d)(7), is the basis for the appeal, the Administrative Hearings Unit shall refer the case back to the Child and Youth Investment Team to review the Action Plan in light of the additional material and/or include critical staffing participants.
 - A) If a referral back to the Child and Youth Investment Team is requested or agreed to by an appellant, the appeal shall be dismissed as premature.

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- B) If the appellant does not agree to a review by the Child and Youth Investment Team, the Administrative Law Judge shall refer the case for review. However, the Department shall be required to make and implement a final administrative decision within the service appeal time frame as set out in Section 337.120.

~~If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.~~

e)d) Fair Hearing

At a fair hearing, the administrative law judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The administrative law judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing.

- 1) At a fair hearing for service appeals of clinical placement review decisions, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the clinical placement reviewer was not consistent with the child's needs regarding safety, well being, and permanency.
- 2) At a fair hearing for appeals of a Child and Youth Investment Team Action Plan, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the Child and Youth Investment Team was not consistent with the child's needs regarding safety, well being and permanency.
- 32) At all other fair hearings, the burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was consistent with the child's needs regarding safety, well being, and permanency.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.70 What May Be Appealed

- a) By Families and Children

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Families and children may appeal the following issues:

- 1) the denial, in whole or in part, of child welfare services requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days after the date of the request, whether to grant or deny services requested by the parents or children;
 - 2) a decision to reduce, suspend or terminate services;
 - 3) the choice of a permanency goal or the denial of a request for a change in permanency goal, provided the circuit court has not entered any permanency order establishing the permanency goal;
 - 4) the failure to complete a service plan within ~~45~~30 calendar days after case opening or the failure to review the service plan within the Department's specified time frames;
 - 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;
 - 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
 - 7) a change in the placement of the child; or
 - 8) the imposition of unnecessary services or conditions as part of a service plan.
- b) By Foster Parents and Relative Caregivers
- 1) Foster parents may appeal the following issues:
 - A) decisions made by the Department or its provider agency that directly affect the foster parent, such as payment issues, as defined

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in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);

- B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
- C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
- D) ~~removal of a child from the foster family home~~ ~~change in the child's substitute care placement~~, provided that the child has been placed in the home for at least 60 days. This does not include placement with the biological or adoptive parents, relatives or siblings, placements for purposes of adoption as ordered by the court, or return to an individual or individuals with whom the child resided prior to entering substitute care or removal of a child at the request of the foster parents.

2) Relative caregivers may appeal the following issues:

- A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);
- B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
- C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
- D) ~~removal of a child from the relative caregiver's home~~ ~~change in the child's substitute care placement~~, provided that

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- i) for a licensed relative caregiver, the child has been placed in the home for at least 60 days; or
 - ii) for an unlicensed relative caregiver, the child has been placed in the home for at least 90 days. This does not include placement with the biological or adoptive parents, or siblings, placements for purposes of adoption as ordered by the court, or return to an individual or individuals with whom the child resided prior to entering substitute care or removal of a child at the request of the foster parents.
- 3) Foster parents and relative caregivers have the right to be heard by the Department on issues specified in 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings) and 316.90 (Decision Review) that are not appealable under this Part. However, they will not be considered a party to the service appeal on issues that may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues that do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 1-3(4.05) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(4.05)].
- 4) When the foster parent or relative caregiver appeals a change of placement, the child shall always be a party to the appeal and the child's attorney and guardian ad litem notified of the appeal. For all other appeals affecting the child, the child's attorney and guardian ad litem shall be notified.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.80 What May Not Be Appealed

The Administrator of the Administrative Hearings Unit will decide whether an issue is appropriate for fair hearing pursuant to Section 337.70 of this Part. Issues inappropriate for a fair hearing include, but are not limited to:

- a) When the sole issue is one of State or federal law regulating the automatic

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adjustment of services for classes of children and families;

- b) When the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- c) When the issue is not a service issue as defined in 89 Ill. Adm. Code 302 (Services Delivered by the Department), 89 Ill. Adm. Code 304 (Access To and Eligibility For Child Welfare Services), 89 Ill. Adm. Code 315 (Permanency Planning), 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings), and 89 Ill. Adm. Code 359 (Authorized Child Care Payment). Such issues are to be appealed through a different appeal and administrative hearing process, as identified in 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings);
- d) When the issue involves a service that the child does not currently need, but may potentially be needed by the child at some future time;
- e) When the issue regards only the Medical Assistance Program under Title XIX of the Social Security Act (42 USC 1396 et seq.). Appeal requests regarding Title XIX services should be sent to the Department of Public Aid;
- f) When a court has made a judicial determination or issued an order on the issue being appealed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.90 Notices of Department or Provider Agency Decisions

- a) Required Notices
 - 1) Persons who may appeal, pursuant to Section 337.60 ~~of this Part~~, have the right to receive a timely and adequate written notice of Department or provider agency decisions. This notice may be in the form of a completed service plan provided the service plan includes, either in the case plan or through additional documents, all of the elements required in an adequate notice (subsection (c) ~~below~~). ~~This~~Such notice shall be provided by the entity making the decision. A timely and adequate written notice is required on decisions that are appealable under Section 337.70 ~~of this Part~~.

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- 2) Notices need not be "timely" in situations where a child is considered to be in imminent risk of harm. In situations where the Department assessed a child to be in imminent risk of harm, the Department may omit "timely written notice", but shall send adequate written notice no later than the date of the action that shall include a statement explaining why timely notice was not provided.
 - 3) Written notice shall be in the appellant's primary language.
- b) Timely Written Notices
A written notice is considered "timely" when mailed within the following time frames:
- 1) within 30 calendar days [after](#) the request for child welfare or day care services;
 - 2) at least ~~10~~ten calendar days before an action to reduce, suspend or terminate services, or before implementing a critical decision in situations where the Department does not consider the child in imminent risk of harm;
 - 3) within 30 calendar days [after](#) the date the Department is given notice of the relative's request for placement of a Department ward.
- c) A written notice is considered "adequate" when it contains:
- 1) a specific statement of the action the Department or its provider agency intends to take;
 - 2) the proposed date for the intended action;
 - 3) the reasons and information supporting the action, and specific rules relied upon when taking the action;
 - 4) a statement advising the individual of the right to appeal the decision made by the Department or its provider agency or any part of the service plan with which he or she may not agree;
 - 5) an explanation of the service appeal process available;

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- 6) a statement that:
- A) except as provided in subsection (c)(6)(B), an appeal of a decision made by the Department or its provider agency must be requested in writing within 45 calendar days after the date of notice; and
 - B) an appeal of a final decision of a clinical placement review must be requested in writing within 10 days from the clinical placement review decision (see Section 337.30(c) after) if an appeal of the decision made by the Department or its provider agency is desired, the appeal must be requested in writing within 45 calendar days of the date of notice;
- 7) a statement that:
- A) except as provided in subsection (c)(7)(B), services will continue unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within 10 calendar days after the date of notice; and
 - B) for an appeal taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal (see Section 337.30(c),)services will continue unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within ten calendar days of the date of notice;
- 8) if the issue is subject to emergency review, a statement advising the individual that an emergency review is available upon request;
- 9) the name and address of the individual who must be contacted in order to request an appeal of the decision;
- 10) a statement that the individual may have a lawyer, or other representative, witnesses, or other individuals having knowledge of the issues in dispute, present throughout the appeal process; and

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11) a statement informing the individual that he or she may submit a brief, written summary ~~that~~^{which} may include additional information for consideration as to why the Department or provider agency should change its decision.

d) Delivery of Notices
Notices shall be:

- 1) hand delivered with a certificate of delivery signed by the appellant or representative; or
- 2) be sent certified or registered mail to such parties or their agents appointed to receive service of process in accordance with the requirements of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.130 Continuing Services During the Service Appeal Process

When an appellant requests a service appeal within the ~~10~~^{ten} calendar days following the date of notice of the action to be taken, the Department or its provider agency shall continue to provide services unchanged during the appeal process, unless the situation is determined to be one ~~that~~^{which} would result in imminent risk of harm to the child or others if services remain unchanged ~~or if the appeal is about a Clinical Placement Review decision~~ or if a corrective order has been issued by the reviewer subsequent to an emergency review.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 337.150 Notice Concerning a Service Appeal

The following persons shall receive notice that an appeal request has been granted and the date, time and place of the initial service appeal proceeding: the child (if age 13 or over and residing in substitute care), the family, the guardian ad litem upon written request and any other authorized or legal representative as defined in Section 337.60 of this Part, the provider agency, and foster parents ~~and relative caregivers~~ when the issues raised on appeal directly affect the foster parents ~~or relative caregivers~~ or their role as caretaker of the child.

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- a) If the appellant agrees to mediation or if an emergency review is requested, the Department shall provide written notice to all parties of the time, date, and place of the mediation or emergency review. Notice concerning mediation and emergency review shall inform the parties of the right to bring any evidence in an attempt to resolve the problem more quickly.
- b) The Department shall provide written notice to the appellant of a fair hearing, which shall contain the following:
 - 1) the date, time and location of the hearing;
 - 2) a statement that the appellant or his or her authorized or legal representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing in accordance with Section 337.160 of this Part; and
 - 3) a statement of the parties' rights during the appeal process.
- c) All proceedings shall be scheduled at a time, date, and place reasonably convenient for all parties.
- d) When placement of a child in the custody or guardianship of the Department is at issue, the caregivers for the child shall receive written notice apprising them that an issue on appeal involves the placement of the child. This notice shall be provided to the caregivers at the same time that the appellant receives written notice of the fair hearing.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Background Checks
- 2) Code Citation: 89 Ill. Adm. Code 385
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
385.10	Amend
385.20	Amend
385.30	Amend
385.APPENDIX A	Amend
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10], Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505/5(a)(3)(A) and (F) and (v) and (v-1)], Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)] and the Adam Walsh Child Protection and Safety Act (PL 109-248)
- 5) A Complete Description of the Subjects and Issues Involved: The Adam Walsh Child Protection Act and Section v-1 of the Children and Family Service Act required the following amendments:
 - Previous amendments to Part 385 neglected to amend Section 385.30 to clarify that all applicants for a foster family home license shall be subject to a criminal background check.
 - Relatives and all members of the household 17 years and older must be fingerprinted within 30 days after initial placement of a relative child for a criminal background check and for the worker to reach a final decision of placement within 90 days.

The Department is also amending Appendix A, Criminal Convictions, to provide the same waiver provisions granted to relatives in Sec. 7 of the Children and Family Service Act [20 ILCS 505/7] that were based on LEADS check findings only and to update the criminal conviction list by adding "*any violation of the Methamphetamine Control and Community Protection Act*" as stated in the Child Care Act.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will these proposed amendments replace any emergency rulemaking currently in effect?
No

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- 8) Do these proposed amendments contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 605/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: CFPolicy@idcfs.state.il.us
Facsimile 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects child welfare agencies.
- B) Reporting, bookkeeping or other procedures required for compliance: Besides making copies of required files, there are no additional costs to small businesses.
- C) Types of professional skills necessary for compliance: Clerical

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- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER d: LICENSING ADMINISTRATION

PART 385
 BACKGROUND CHECKS

Section

- 385.10 Purpose
 385.20 Definitions
 385.30 Applicability of This Part
 385.40 Authorization for Background Checks
 385.50 Child Abuse or Child Neglect
 385.60 Criminal Convictions and Pending Criminal Charges
 385.70 Disposition of Background Checks
 385.80 Appeal of Decision to Deny License or Permit Based on Background Check Information
 385.90 Records to be Maintained by the Child Care Facility
 385.100 Confidentiality of Background Check Information
 385.110 Severability of This Part
 385.APPENDIX A Criminal Convictions Preventing Licensure, Employment, ~~or~~ Residence in a Family Home in Which a Child Care Facility Operates, or Placement with Relatives
 385.APPENDIX B Matrix of Persons Subject to Background Checks Under Part 385

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10]; Section 5(a)(3)(A) and (F) and (v) of the Children and Family Services Act [20 ILCS 505/5(a)(3)(A) and (F) and (v)]; and Section 55a(34) of the Civil Administrative Code [20 ILCS 2605/55a(34)] Adam Walsh Child Protection and Safety Act (P.L. 109-248).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 19123, effective October 29, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6398, effective March 31, 1987; amended at 13 Ill. Reg. 5917, effective May 1, 1989; emergency amendment at 20 Ill. Reg. 3930, effective March 1, 1996, for a maximum of 150 days; modified in response to Joint Committee on Administrative Rules objection at 20 Ill. Reg. 5712; emergency expired July 28, 1996; amended at 21 Ill. Reg. 4444, effective April 1, 1997; emergency amendment at 28 Ill. Reg. 1167, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 13432, effective September 30, 2004; amended at 33 Ill. Reg. 4117, effective February 27, 2009; amended at 35 Ill. Reg. _____, effective _____.

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Section 385.10 Purpose

- a) The purpose of this Part is to ensure the safety and well being of children cared for [in an unlicensed relative home or](#) in any facility subject to licensing by the Department of Children and Family Services by requiring that the operators of child care facilities and other persons subject to background checks, as defined in Section 385.20, be screened for a history of child abuse or child neglect, prior criminal convictions or pending criminal charges.
- b) Each owner of a for-profit child care facility is required to certify, under penalty of perjury on a form provided by the Department, that he or she is current or not more than 30 days delinquent in complying with a court order for child support.
- c) In addition, the Department may require service providers who have access to children as part of their duties to authorize a background check, as required by 89 Ill. Adm. Code 357, [\(Purchase of Service\)](#).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 385.20 Definitions

"Access to children" means a child care facility employee's duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual and auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

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

"Assistant" or "child care assistant" means a person who assists a licensed home caregiver in the operation of the day care home, group day care home, or foster family home.

"Authorization for background check" means a complete, signed form prescribed by the Department which authorizes a background check as defined in this Part and submission of fingerprints, if required. An authorization for a background check may be used for the initial and all subsequent background checks required

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to determine compliance with the requirements of this Part.

"Background check" means:

a criminal history check via fingerprints of persons age 17 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records or the National Crime Information Database (NCID) when applicable for prospective foster and adoptive parents; and

a check of the Child Abuse and Neglect Tracking System (CANTS/SACWIS) and other state child protection systems, or the National Registry, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry and the National Sex Offenders Registry, as appropriate.

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

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. "Child care facility" includes a relative who is licensed or who applies for a license as a foster family home under Section 4 of the Child Care Act of 1969. A child care facility also means those described in the Child Care Act, including but not limited to any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, partially exempt secure child care facility or youth emergency shelter (Section 2.05 of the Child

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Care Act of 1969).

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children and who has commenced such duties while awaiting the results of the background check required by this Part.

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

"Date of notice" means the date of the written notice to a license holder that all persons subject to background checks, as defined in this Section, must authorize such checks and submit to fingerprinting, if required.

"Denial of application for license" means the refusal to grant a license or permit to a person, group of persons, agency, association or organization that applied for a license to operate a child care facility.

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

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

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interests of the child.

"Governing body" means the board of directors of a corporation; otherwise, the term means the owners or other persons, agency, association or organization

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legally responsible for the operation of the child care facility.

"Illinois Sex Offender Registry" means the registry of any person convicted of a felony sex crime or an attempt to commit a felony sex crime operated and maintained by the Illinois State Police.

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

"License applicant" means, for purposes of background checks, the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensing entity" means the Department or a supervising agency recommending the license or processing the employment application.

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

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

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

"Multi-function agency" means an agency, association, or other organization that operates a child care facility, child welfare agency, or day care agency in addition to other services not subject to licensure under the Child Care Act of 1969. A child care facility, child welfare agency, or day care agency may consist of distinct units, divisions, or departments of a multi-function agency. In a multi-function agency, only the persons with direct authority for the operations of the child care facility and those who have access to children, as defined in this Section, are subject to the background check requirements of this Part.

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"National Crime Information Database" or "NCID" means the National Crime Information Center and its incorporated criminal history databases.

"National Registry" means an electronic national registry of substantiated cases of child abuse and neglect supplied by the states, created by the Secretary of Health and Human Services in consultation with the Attorney General.

"National Sex Offender Registry" means an electronic national registry, operated and maintained by the United States Department of Justice, of any person convicted of a felony sex crime or an attempt to commit a felony sex crime in any state.

"Operator" means any person responsible for the day-to-day management of the child facility.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Persons subject to background checks" means:

the operators of the child care facility;

all current and conditional employees of the child care facility;

any person who is used to replace or supplement staff;

any person who has access to children, as defined in this Section; and

any person who provides services that allow unsupervised access to children if the requirement for background checks is a condition of a contract or agreement or is required otherwise under 89 Ill. Adm. Code 357 (Purchase of Service).

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

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[For a final placement decision in a relative home, the relative and all members of the household age 17 and over are subject to criminal background checks \[20 ILCS 505/5\(v-1\)\].](#)

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services, replacing the CANTS system.

"Seasonal child care program" means a child care facility that operates a seasonal program, such as summer-only or migrant Head Start program, that is subject to licensing by the Department.

"State Central Register" means the child abuse and neglect data system maintained by the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 40].

"Substitute" means a permanent or temporary employee who is used to replace or supplement regular staff.

"Supervising agency" means a licensed child welfare agency, a licensed day care agency, a license exempt agency, or the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 385.30 Applicability of This Part

- a) **Applicability**
All licensed child care facilities shall submit completed, signed authorizations for background checks for all persons subject to background checks as defined in Section 385.20.
- b) **License Renewals**
A child care facility license shall not be renewed until the results of the

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background check (CANTS/SACWIS, Illinois Sex Offender Registry, and criminal history) have been received for the operator of the child care facility. However, if complete, signed authorizations have been submitted and fingerprints obtained for all persons subject to background checks, as defined in Section 385.20, and a check of the CANTS/SACWIS and Illinois Sex Offender Registry is completed, renewal of the license shall not be delayed pending receipt of the results of the criminal background check for other persons subject to background checks.

c) Scope of Background Checks

- 1) All persons subject to background checks pursuant to this Part shall be processed through the CANTS/SACWIS, ~~and~~ the Illinois Sex Offender Registry ~~and~~ LEADS. Fingerprints of all persons age 17 and over shall be submitted to the Illinois State Police via the fingerprint vendor stipulated by the Department for a criminal history check.
- 2) In addition, foreign nationals who have not resided in Illinois for all of the preceding 3 years shall submit to their prospective employer (if seeking employment) or licensing representative (if seeking a license to operate a child care facility) a copy of their valid passport and current visa. A copy of the valid passport and current visa shall be attached to the authorization for background check submitted to:

Department of Children and Family Services
Central Office of Licensing
406 E. Monroe Street, Station #60
Springfield, Illinois 62701

All facsimile transmissions shall be sent to the Employment FAX Line at (217)785-6368.

- 3) In addition, each owner of a for-profit corporation, as a condition of license renewal, must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* [5 ILCS 100/10-65(c)]

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- 4) Fingerprints for the following persons age 17 and over shall be submitted to the Federal Bureau of Investigation (FBI) for a search of its records for evidence of prior criminal activity:
- A) [all applicants for foster family home licensure and members of the household;](#)
 - B) [all relative caregivers and members of the household prior to a final placement decision in a relative home \[20 ILCS 505/5\(v-1\)\];](#)
 - C)A) persons who have a record of criminal activity ~~that~~^{which} may impact their suitability for licensure/employment by their own acknowledgment or according to the records of the Illinois State Police; and
 - D)B) persons who have resided outside the State of Illinois for any part of the preceding three years.
- 5) For *prospective foster or adoptive parents or other adult living in the home who resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry and the National Sex Offender Registry.* [20 ILCS 505/5(v-2)]
- d) A Condition of Employment
- 1) As a condition of employment in a licensed child care facility in a position ~~that~~^{which} allows access to children, all persons subject to background checks, as defined in Section 385.20, shall complete and sign authorizations for background checks and submit to fingerprinting, if required. This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any individual used as replacement or supplemental staff in the direct care and supervision of children.
 - 2) Complete, signed authorizations for background checks must be submitted to:

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Central Office of Licensing
406 E. Monroe Street, Station #60
Springfield, Illinois 62701

All such authorizations must be postmarked within two business days after the person's employment or use in a role as replacement or supplemental staff. All facsimile transmissions shall be sent to the Employment Fax Line at (217) 785-6368.

- e) **Child Care Facilities that Operate Within a Family Home**
If the child care facility operates in a family home, adult members of the household age 17 and older shall be fingerprinted to be screened for prior criminal convictions and current pending criminal charges in accordance with the requirements of this Part. All household members age 13 and over shall be screened for a history of child abuse or neglect and for inclusion in the Illinois Sex Offender Registry. These background checks are required even if members of the household usually are not present in the home during the hours the child care facility is in operation.
- f) **Programs Operated Under the Auspices of Child Welfare or Day Care Agencies**
The background check requirements of this Part apply to:
 - 1) employees of a child welfare agency who are involved in the placement in, licensure of, or supervision of foster family or adoptive homes, relative homes, group homes, child care institutions, youth emergency shelters, or independent living arrangements; and
 - 2) employees of a child welfare agency or day care agency who are involved in the licensure or supervision of licensed day care homes; and
 - 3) persons used as replacement or supplemental staff identified in subsection (f)(1) or (2).
- g) **Service Providers**
As a condition of a contract or agreement, or as otherwise required under 89 Ill. Adm. Code 357; ~~(Purchase of Service)~~, the Department may require a person who provides services that allow unsupervised access to children to authorize a background check under this Part.

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- h) Issuance of Permits
A permit may be issued when:
- 1) the facility operator has cleared a complete background check (criminal history, CANTS/SACWIS, and Illinois Sex Offender Registry); and
 - 2) if a for-profit corporation or other for-profit legal entity, the owner has certified that he or she is current or not more than 30 days delinquent in complying with a child support order; and
 - 3) all other persons subject to background checks have been fingerprinted (if required), as verified by a fingerprint receipt, and have obtained their CANTS/SACWIS, and Illinois Sex Offender Registry clearances; and
 - 4) the facility is in compliance with all other applicable licensing requirements for issuance of a permit.
- i) Work Study Students
No criminal history check is required unless work study students are used as replacement or supplemental staff, as defined in Section 385.20. However, CANTS/SACWIS and Illinois Sex Offender Registry checks must be completed for all work study students.
- j) Volunteers
No background check (CANTS/SACWIS, Illinois Sex Offender Registry, criminal history) is required unless volunteers are used as replacement or supplemental staff, as defined in Section 385.20.
- k) Parental Involvement
Parental involvement in a child care facility program does not require a background check unless the parent is used as replacement or supplemental staff, as defined in Section 385.20. Nothing in this Part is intended to prohibit a parent from being left alone unsupervised with only his or her own children.
- l) Responsibility for Cooperation
Child care facilities shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may

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result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

- 1) death in the family of the person; or
 - 2) serious illness of the person or illness in the person's immediate family; or
 - 3) weather or transportation emergencies.
- m) **Limitations on Criminal Offenders**
Persons age 17 and over who have been convicted of committing or attempting to commit the offenses in Section 385.60(a) or (b) (when applicable) and when the Department becomes aware of persons age 13 and over who have been tried as an adult and convicted for the crimes identified in Section 385.60(a) or (b) shall not:
- 1) receive a license from the Department to operate a child care facility or have such a license renewed; or
 - 2) be employed by a child care facility licensed by the Department in a position which allows access to children; or
 - 3) be a member of the household in a family home in which a child care facility operates; or
 - 4) obtain a contract or agreement from the Department to provide services which allow access to children if the requirement for such background checks is a condition of the contract or agreement.
- n) **Limitations on Perpetrators of Child Abuse/Neglect**
Persons who have been indicated as the perpetrator of any of the child abuse/neglect allegations identified in Section 385.50(a) are presumed to be unfit for service that allows access to children. These indicated perpetrators are limited in the same manner as the criminal offenders in subsection (m) unless the Director or designee has waived in writing the presumption of unsuitability. Such waivers may be requested in writing in accordance with Section 385.50(b).

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- o) No Charge for Background Checks
There is no charge to license applicants or licensed child care facilities for the background checks which are required by this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 385. APPENDIX A Criminal Convictions Preventing Licensure, Employment, ~~or~~ Residence in a Family Home in Which a Child Care Facility Operates, or Placement with Relatives

- a) Criminal Convictions Preventing Licensure, Employment, or Residence in a Family Home in Which a Child Care Facility Operates
- If any person subject to background checks has been included in the Illinois Sex Offender Registry or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to: receiving a license or permit to operate as a child care facility and renewal of an existing license to operate a child care facility; residing in a family home in which a child care facility operates; obtaining employment or continuing in employment in a licensed child care facility which allows access to children as part of the duties; and obtaining a contract or agreement providing services on behalf of the Department that allows unsupervised access to children.

In addition to the list of crimes in this Appendix A, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the offenses listed in Appendix A, Criminal Convictions Which Prevent Licensure, of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, which is a more inclusive list of crimes.

The offenses that serve as a bar to licensure, residence in a family home in which a child care facility operates, employment that allows access to children in any child care facility subject to licensing, or providing services that allow unsupervised access to children include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

- *Murder*
- *Solicitation of murder*
- *Solicitation of murder for hire*

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- *Intentional homicide of an unborn child*
- *Voluntary manslaughter of an unborn child*
- *Involuntary manslaughter*
- *Reckless homicide*
- *Concealment of a homicidal death*
- *Involuntary manslaughter of an unborn child*
- *Reckless homicide of an unborn child*
- *Drug induced homicide*

KIDNAPPING AND RELATED OFFENSES

- *Kidnapping*
- *Aggravated kidnapping*
- *Aggravated unlawful restraint*
- *Forcible detention*
- *Child abduction*
- *Aiding and abetting child abduction*
- *Harboring a runaway [225 ILCS 10/4.2(b)]*

SEX OFFENSES UNDER ARTICLE 11 OF THE CRIMINAL CODE OF 1961,
EXCEPT OFFENSES DESCRIBED IN SECTIONS 11-7, 11-8, 11-12 AND 11-
13

- *Indecent solicitation of a child*
- *Indecent solicitation of an adult*
- *Public indecency*
- *Sexual exploitation of a child*
- *Custodial sexual misconduct*
- *Presence within school zone by child sex offenders*
- *Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders*
- *Sexual relations within families*
- *Prostitution*
- *Soliciting for a prostitute*
- *Soliciting for a juvenile prostitute*
- *Solicitation of a sexual act*
- *Pandering*
- *Keeping a place of prostitution*
- *Keeping a place of juvenile prostitution*

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- *Patronizing a prostitute*
- *Patronizing a juvenile prostitute*
- *Pimping*
- *Juvenile pimping*
- *Exploitation of a child*
- *Obscenity*
- *Child pornography*
- *Harmful material*
- *Tie-in sales of obscene publications to distributors*
- *Posting of identifying information on a pornographic internet site [720 ILCS 5/Art. 11]*

BODILY HARM

- *Heinous battery*
- *Aggravated battery with a firearm*
- *Aggravated battery of a child*
- *Tampering with food, drugs, or cosmetics*
- *Hate crime*
- *Stalking*
- *Aggravated stalking*
- *Threatening public officials*
- *Home invasion*
- *Vehicular invasion*
- *Drug induced infliction of great bodily harm*
- *Criminal sexual assault*
- *Aggravated criminal sexual assault*
- *Predatory criminal sexual assault of a child*
- *Criminal sexual abuse*
- *Aggravated sexual abuse*
- *Criminal transmission of HIV*
- *Criminal abuse or neglect of an elderly or disabled person*
- *Child abandonment*
- *Endangering the life or health of a child*
- *Ritual mutilation*
- *Ritualized abuse of a child [225 ILCS 10/4.2(b)]*
- [*Any violation of the Methamphetamine Control and Community Protection Act*](#)

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Final approval for licensure shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other felony convictions for physical assault or battery, or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years. [20 ILCS 505/5(v-1) and (v-2)]

Waiver of Convictions for Placement with Relatives

Criminal convictions that were waived by the Director for the initial placement in accordance with provisions in Section 7(b) of the Children and Family Services Act [20 ILCS 505/7(b)] and 89 Il. Adm. Code 301.Appendix A(b) and (c) are deemed waived for a final placement decision. If additional criminal convictions appear as a result of the fingerprint results, a new waiver request shall be submitted to the Director or designee.

b) Additional Convictions that Bar Licensure of or Employment in a Child Care Facility

In addition to the requirements of subsection (a), no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar to and bear a substantial relationship to any of the following offenses:

OFFENSES DIRECTED AGAINST THE PERSON**BODILY HARM**

- *Felony aggravated assault*
- *Vehicular endangerment*
- *Felony domestic battery*
- *Aggravated battery*
- *Heinous battery*
- *Aggravated battery with a firearm*
- *Aggravated battery of an unborn child*
- *Aggravated battery of a senior citizen*
- *Intimidation*
- *Compelling organization membership of persons*

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- *Abuse and gross neglect of a long term care facility resident*
- *Felony violation of an order of protection*

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- *Felony unlawful use of weapons*
- *Aggravated discharge of a firearm*
- *Reckless discharge of a firearm*
- *Unlawful use of metal piercing bullets*
- *Unlawful sale or delivery of firearms on the premises of any school*
- *Disarming a police officer*
- *Obstructing justice*
- *Concealing or aiding a fugitive*
- *Armed violence*
- *Felony contributing to the criminal delinquency of a juvenile*

DRUG OFFENSES

- *Possession of more than 30 grams of cannabis*
- *Manufacture of more than 10 grams of cannabis*
- *Cannabis trafficking*
- *Delivery of cannabis on school grounds*
- *Unauthorized production of more than 5 cannabis sativa plants*
- *Calculated criminal cannabis conspiracy*
- *Unauthorized manufacture or delivery of controlled substances*
- *Controlled substance trafficking*
- *Manufacture, distribution or advertisement of look-alike substances*
- *Calculated criminal drug conspiracy*
- *Street gang criminal drug conspiracy*
- *Permitting unlawful use of a building*
- *Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property*
- *Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances*
- *Delivery of controlled substances*
- *Sale or delivery of drug paraphernalia*
- *Felony possession, sale, or exchange of instruments adapted for use of a controlled substance or cannabis by subcutaneous injection*

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- *Felony possession of a controlled substance [225 ILCS 10/4.2(b-1)]*
- c) Exception Applicable to Child Care Facilities Other than Foster Family Homes Notwithstanding subsection (a), *the Department may issue a new child care facility license or may renew the existing child care facility license of an applicant, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b), or the Department may approve the employment of a person by a child care facility who was convicted of an offense described in subsection (b), provided that all of the following requirements are met:*
- 1) *The relevant criminal offense or offenses occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant or prospective employee has passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense;*
 - 2) *The Department must conduct a background check and assess all convictions and recommendations of the child care facility in accordance with Section 385.60(d), (e) and (f) and determine if a waiver is applicable in accordance with subsection (c)(1);*
 - 3) *The applicant meets all other requirements and qualifications to obtain a license to operate the pertinent type of child care facility. [225 ILCS 10/4.2(b-2)]*

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 Ill. Adm. Code 401

<u>Section Numbers:</u>	<u>Proposed Action:</u>
401.141	Amend
401.210	Amend
401.250	Amend
401.260	Amend
401.270	Amend
401.300	Amend
401.420	Amend
401.460	Amend
401.510	Amend
401. APPENDIX E	Repeal
401. APPENDIX F	Repeal

4) Statutory Authority: Children and Family Services Act [20 ILCS 505/5]

5) A Complete Description of the Subjects and Issues Involved:

Section 401.141 deletes the expired grace period for obtaining tax-exempt status.

Sec. 401.210 Clarification was added that child welfare agency offices cannot be in a private residence and that there shall also be space available for confidential meetings in those offices.

Sec. 401.250 Adds the standing practice in place that staff changes shall be reported monthly to the Department.

Section 401.260 corrects a crossreference.

Sec. 401.270 gives requirements for storage of electronic records. Adoption case records and child welfare case records shall be retained permanently on paper or microfilm in a Department storage facility, and during the time period that the case is active, a hard copy of all electronic records shall be made on a ten year cycle.

Sec. 401.300 clarifies that full-time executive director in a child welfare agency must be on site at the facility.

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The Department is amending Section 401.420 to provide child welfare agencies a provision granted in 89 Ill. Adm. Code 402.7 that waives the monitoring of foster homes that are in a Non-active status.

Sec. 401.460 For uniformity through out the State the Department is requiring that a child welfare agency must obtain approval in writing from the Department before transferring supervision a child or family case to another agency.

Sec. 401.510 Adds the requirement that adoptive families must be provided with the results of their home study and post adoption reports. Adoptive foster parents must be provided with information about the child's education, child's portion of the service plan, social or behavioral information and other pertinent information about the child to be adopted.

Deleting 401.Appendix E and F that contain sample of letters to be moved to Procedures

- 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 proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objective: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff E. Osowski
Department of Children and Family Services

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406 East Monroe, Station # 65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-mail:CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rulemaking will have a favorable impact on group homes.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements
 - C) Types of professional skills necessary for compliance: No new requirements
- 14) Regulatory Agenda on which this rulemaking was summarized: The proposed rulemaking was not included on either of the two most recent Regulatory Agendas because the need for rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401

LICENSING STANDARDS FOR
CHILD WELFARE AGENCIES

Section

401.1	Purpose (Repealed)
401.2	Definitions (Repealed)
401.3	Effective Date of Standards (Repealed)
401.4	Application for License (Repealed)
401.5	Application for Renewal of License (Repealed)
401.6	Provisions Pertaining to License (Repealed)
401.7	Provisions Pertaining to Permit (Repealed)
401.8	Incorporation (Repealed)
401.9	Composition and Responsibilities of the Governing Body (Repealed)
401.10	Finances (Repealed)
401.11	The Administrator (Repealed)
401.12	Social Work Supervisors (Repealed)
401.13	Child Welfare Workers (Repealed)
401.14	Professional Staff (Repealed)
401.15	Support Personnel (Repealed)
401.16	Volunteers (Repealed)
401.17	Background Checks (Repealed)
401.18	Legal Safeguards of Children Served (Repealed)
401.19	Required Written Consents (Repealed)
401.20	Agency Responsibility (Repealed)
401.21	Interstate Placement of Children (Repealed)
401.22	Health and Medical Services for Children (Repealed)
401.23	Records and Reports (Repealed)
401.24	Records Retention (Repealed)
401.25	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
401.26	Severability of This Part (Repealed)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

401.30	Purpose
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401.40 Definitions

SUBPART B: PERMITS AND LICENSES

Section

401.100 Application for License
401.110 Provisions Pertaining to Permits
401.120 Provisional Licenses
401.130 Provisions Pertaining to Licenses
401.140 Application for Renewal of License
401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3)
Status
401.145 Renewal Application Under Deemed Status
401.150 Acceptance of Accreditation through Deemed Status
401.155 Removal of Agency from Deemed Status
401.160 Voluntary Surrender of License

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section

401.200 Agency Corporate Status
401.210 Composition and Responsibilities of the Governing Body
401.220 Organization and Administration
401.230 Finances
401.240 Background Checks
401.250 Required Reporting to the Department
401.260 Required Record Keeping
401.270 Records Retention

SUBPART D: PERSONNEL REQUIREMENTS

Section

401.300 The Executive Director
401.310 Child Welfare Supervisors
401.320 Child Welfare Workers
401.330 Licensing Staff
401.340 Professional Staff
401.350 Support Personnel
401.360 Use of Volunteer Services
401.370 Non-Discrimination Against Employees Who Report Suspected Licensing
Violations
401.380 Personnel Records

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SUBPART E: SERVICES TO CHILDREN

Section	
401.400	Legal Safeguards of Children Served
401.410	Required Written Consents
401.420	Agency Responsibility
401.430	Interstate Placement of Children
401.440	Health and Medical Services for Children
401.450	Transportation of Children
401.460	Agency Supervised Foster Family Homes, Group Homes and Day Care Homes
401.470	Agency Responsibilities for Adoption Services (Renumbered)
401.480	Agency Responsibilities for Independent Living Programs (Renumbered)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section	
401.500	Child Welfare Agency Responsibilities for Adoption Services
401.510	Disclosures
401.520	Adoptive Parents Training
401.530	Annual Reports
401.540	Preferential Treatment in Child Placement
401.550	Waiver Prohibited
401.560	Adoption Services Fees
401.565	Adoption Agency Payment of Salaries or Other Compensation
401.570	Independent Contractors
401.580	Cessation or Dissolution of an Adoption Agency
401.590	Adoption Agency Information and Complaint Registry
401.595	Agency Complaint Policy and Procedure
401.600	Advertisement

SUBPART G: INDEPENDENT LIVING PROGRAMS

Section	
401.700	Agency Responsibilities for Independent Living Programs

SUBPART H: ENFORCEMENT AND SEVERABILITY CLAUSE

Section	
401.800	Referrals to Law Enforcement and Injunctive Relief

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401.850 Severability of This Part

401.APPENDIX A	Licensing Progression for Child Welfare Agencies
401.APPENDIX B	Requirements for Operation of Branch Offices
401.APPENDIX C	Management Representations of Child Welfare Agency Financial Condition and Operations
401.APPENDIX D	Minimum Requirements for a Risk Management Plan
401.APPENDIX E	Acceptance of Voluntary Surrender of License – No Investigations Pending (Repealed)
401.APPENDIX F	Acceptance of Voluntary Surrender of License – Investigations Pending (Repealed)
401.APPENDIX G	Acceptable Human Services Degrees
401.APPENDIX H	Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 494, effective January 15, 2003; amended at 28 Ill. Reg. 10588, effective August 1, 2004; emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days; emergency expired February 26, 2006; amended at 30 Ill. Reg. 2699, effective February 27, 2006; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: PERMITS AND LICENSES

Section 401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3) Status

- a) Licensed child welfare agencies providing adoption services shall ~~have a grace period of 24 months from August 15, 2005 to~~ obtain tax-exempt status from the

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Internal Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986.

- b) An existing child welfare agency may retain its current structure and be recognized as a 501(c)(3) organization as required by this Section or complete the process of application as an entity, if the creation of a new entity is required in order to comply with this Section, provided that:
- 1) The agency provides to the Department a copy of the Internal Revenue Service ruling showing that the agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986;
 - 2) The child welfare agency demonstrates that it continues to meet all other licensing requirements; and
 - 3) The principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.
- c) The Department, at its sole discretion, may grant a one year extension to a child welfare agency unable to obtain 501(c)(3) status prior to August 15, 2007, provided that the agency has demonstrated good faith effort to obtain a 501(c)(3) status with the Internal Revenue Service prior to August 15, 2007 and presents documentation of such to the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

Section 401.210 Composition and Responsibilities of the Governing Body

- a) The governing body of a child welfare agency shall be all the members of the Board of Directors of the corporation.
- b) Each member of the governing body of the child welfare agency and principal shareholders (owning 5% or more of the corporate stock) shall be of reputable and responsible character who shall certify that they have never been convicted of a felony or indicated as a perpetrator in a child abuse or neglect report, as defined in

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Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

- c) The governing body may create an executive committee or a child welfare committee that has been delegated limited decision making authority. The executive committee may act on behalf of the governing body in emergency matters.
- d) The governing body shall:
- 1) Establish written by-laws that govern the major operations of the agency and ~~that which~~ outline the duties of the officers of the board of directors and committees to be established by the board of directors;
 - 2) Set long range goals for the agency;
 - 3) If incorporated as a not-for-profit corporation, adopt a conflict of interest policy ~~that which~~ requires, at a minimum:
 - A) That no member of the board of directors may derive any personal profit, directly, by reason of his or her membership on the board of directors or because of services provided to the board (the restriction of deriving profit from a transaction does not apply as long as the goods or services provided to the agency are priced at or below market value, and are documented in the agency's financial reports);
 - B) That each board member must disclose to the board any personal interest ~~that which~~ he or she or any member of his or her immediate family may have in any current or potential matter before the board and refrain from participating in any decision on such matters;
 - C) That no member of the executive director's or the chief financial officer's immediate family shall serve on the board of directors for the child welfare agency and no member of any board member's immediate family may serve as executive director, the chief financial officer, or an independent contractor of the agency;
 - D) That there shall be no familial relationship between the executive director and the chief financial officer.

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- 4) If incorporated as a for-profit corporation, adopt a code of conduct for the board;
- 5) Insure that the child welfare agency operates at all times with a qualified, full-time executive director who, by official written notice, is made known to the Department. The governing body shall:
 - A) Approve a written job description for the agency executive director that delineates the executive director's responsibilities and authority and the governing body's expectations of the agency executive director;
 - B) Review and authorize all compensation for the agency executive director, including salary, allowances, memberships or other benefits;
 - C) Evaluate the agency executive director in writing at least annually;
- 6) Insure that an adequate process is in place for recruiting, hiring, and maintaining qualified child welfare supervisors and other staff required by this Part;
- 7) Hold at least quarterly meetings, unless the agency holds a provisional license, thus requiring a minimum of bi-monthly meetings of the board of directors. *Unless specifically prohibited by the articles of incorporation or bylaws, directors or non-director committee members may participate in and act at any meeting of such board or committee through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating* [805 ILCS 105/108.15];
- 8) Keep written records or minutes of all board meetings reflecting official actions of the board that shall contain, at a minimum, the date of each board meeting, the persons who were in attendance, the issues discussed in the meeting, any committee reports made to the board, the decisions made and actions taken. The minutes shall be available for review by the

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Department's licensing worker, upon request;

- 9) Officially notify the Department in writing within 30 days after a change in the executive director or chief financial officer of the child welfare agency or of any major changes in the corporate structure, including, but not limited to:
 - A) Changes in the articles of incorporation or by-laws;
 - B) Changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
 - C) Addition of any principal shareholder owning at least 5% of the stock of the corporation; or
 - D) Changes in the governing body or its officers;
- 10) Establish written policies of the child welfare agency that shall be made available to all board members, employees, and agency clientele, including services to be provided by the agency, admissions, care of children, and other policies as needed to direct the agency, such as family visitation and community contacts with children;
- 11) Provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices, including all branch offices, shall be staffed during the business hours established by the agency, shall be equipped with telephones, ~~and~~ shall have a permanent mailing address, shall not be in a private residence and shall have space available for confidential meetings;
- 12) Maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by authorized persons;
- 13) Insure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies, securities, or other property the agency may sustain through any fraudulent or dishonest act

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committed by an officer or employee acting alone or in collusion with others. These officers or employees must be bonded regardless of whether elected or appointed or whether compensated by salary;

- 14) Insure that the child welfare agency maintains adequate assets, as defined in Section 401.40, for responsible fiscal operation of the agency; and
- 15) Insure that all persons working directly with children are of reputable and responsible character, as verified by their employment history of at least the past three years, the status of any professional license they hold, and completion of the background checks required by 89 Ill. Adm. Code 385 (Background Checks).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 401.250 Required Reporting to the Department

- a) Staff and Volunteers
The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department:
 - 1) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.
 - 2) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).
 - 3) Staff changes shall be reported monthly to the Department.
- b) License Status of Child Care Facilities Supervised by the Child Welfare Agency
The child welfare agency shall report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. Such reports shall be received within five days after the last day of each month for all license status changes in the month. Such

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changes in license status may include, but are not limited to:

- 1) failure or refusal to renew the license;
 - 2) revocation or voluntary surrender of the license;
 - 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
 - 4) change of address of the licensee;
 - 5) change in license capacity;
 - 6) transfer of license supervision to another supervising child welfare agency; or
 - 7) foster or adoptive family moves out-of-state.
- c) **Semiannual Monitoring of Licensed Facilities Supervised by the Agency**
The agency shall maintain and submit to the regional licensing office a list of the licensed facilities subject to monitoring, noting both the date that the agency has performed a semiannual monitoring visit at the facility and those facilities with violations or corrective plans, as documentation of compliance with Section 401.420(c) requiring semiannual monitoring.
- d) **Reports of Child Abuse and Neglect**
When there has been a report of child abuse or neglect in a foster family home or day care home that is supervised by the agency and a formal child abuse and neglect investigation begins, the agency shall send a complete copy of the licensing record and any other requested information to the Department's agency and institution licensing representative within 5 days after a request for such information.
- e) **Licensing Complaint Investigation**
The agency shall send a copy of the licensing complaint investigation file to the Department's licensing unit within 5 days after the conclusion of the complaint investigation.
- f) **Monthly Visits with Children in Placement**

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The agency shall submit written quarterly reports to the regional licensing office listing the names of all children served by the agency, with the dates on which an agency child welfare worker visited each child, as documentation of compliance with Section 401.420(b) requiring monthly visits with foster parents and children in care.

g) Unusual Incident Reports

The agency shall report to the Department unusual incidents as defined in 89 Ill. Adm. Code 331 (Unusual Incidents).

1) Involving Children

The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian and the Department licensing worker. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.

2) Involving Employees, Foster Parents, or Relative Caregivers

The governing body or its designee shall report to the Department licensing worker any work or service related unusual incident ~~that~~^{which} results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.

h) Complete Copy of the Licensing File

Upon request, the agency shall provide the Department's licensing unit within 5 calendar days, a complete copy of the licensing file for a foster home or day care home that is supervised by the agency.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 401.260 Required Record Keeping

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- a) The child welfare agency shall maintain current records ~~that~~which shall be available for inspection by authorized persons from the Department and ~~that~~which shall include:
- 1) records of board membership and minutes of board meetings, as required by Section 401.210;
 - 2) financial records, as required by Section 401.230;
 - 3) personnel records, as required by Section ~~401.380~~401.370;
 - 4) children's case records, as required by Section 401.420; and
 - 5) licensing records for foster family and day care homes supervised by the agency, as required by Section 401.460.
- b) Records shall be kept in safe, locked places within the State of Illinois. Access to such records shall be limited to authorized persons only.
- c) Department licensing workers shall have access to all records and reports pertaining to day care, foster care, relative care, adoption, independent living and residential care programs for minors operated by or supervised by the child welfare agency, even if the Department is not legally responsible for the children involved in those programs. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 401.270 Records Retention

- a) General and financial records required of the child welfare agency shall be maintained for at least 5 years.
- b) Personnel records shall be retained for at least 5 years after termination of the person's employment.
- c) Licensing Records
 - 1) The child welfare agency shall maintain in its office the licensing records

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of the foster family or day care home license for 4 years after any one of the following occurrences:

- A) The license renewal has expired and has not been renewed;
 - B) The official denial or withdrawal of the application for the license or permit;
 - C) The date of closure or revocation of the license or permit.
- 2) After the 4 years, the agency shall transfer the licensing record to the Department, which shall keep it for 5 additional years.
- d) If any litigation, claim, financial management review, or audit is started before the expiration of the 5-year period, the records shall be retained for at least 3 years after all litigation, claims or audit findings involving the records have been resolved and final action taken. (See 45 CFR 74.53.)
- e) At the date of file closing, adoption case records and child welfare case records shall be retained permanently on paper or microfilm in a Department storage facility, and during the time period that the case is active, a hard copy of all electronic records shall be made on a ten year cycle. Guidelines are specified in Procedures 401 and in the State Records Commission approval of the Department's application number 10-04. Child case records shall be maintained for 5 years after the child attains the age of 21. At least 5 years after the child attains the age of 21, the record may be purged so that only family, medical, and biographical information is retained. The family, medical, and biographical information shall be maintained for at least 15 years after the child attains the age of 21, unless the child has been adopted. If the child has been adopted, the family, medical, and biographical information on the child shall be retained for at least 99 years after the child attains the age of 21.
- f) When an agency license is revoked, the Department refuses to renew the license, or for any other reason the agency ceases operations, the child welfare agency shall provide the Department with the original or a complete copy of all child case records and licensing records for the children and families it has served and for the foster family and day care homes that had been under its supervision.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART D: PERSONNEL REQUIREMENTS

Section 401.300 The Executive Director

- a) The child welfare agency shall hire an executive director who shall be a full-time on site employee designated by the governing body to carry out the day-to-day management of the child welfare agency and the policies and procedures established by the governing body. The requirements of this Section apply to the person who reports to the board about the day to day management of the agency, regardless of the title used to describe the position within the agency. When the child welfare agency operates within a larger, multi-service agency, the executive director responsible for the child welfare agency need not be the chief executive officer for the multi-service agency.
- b) The executive director shall have:
 - 1) a Master's of Social Work degree from an accredited school of social work and three years' work experience in social work administration; or
 - 2) a Master's degree in a human services field from an accredited school and five years work experience in human services administration; or
 - 3) a Master's degree in Business Administration or Health Administration and 5 years experience in administration. Such degrees are acceptable only if the executive director never functions as the child welfare supervisor and the child welfare supervisor has a Master's of Social Work degree from an accredited school of social work or a Master's degree in a human services field from an accredited school.
- c) If the executive director also serves as the child welfare supervisor, the executive director also must meet the qualifications in Section 401.310 for the child welfare supervisor.
- d) All persons currently serving as executive director who were qualified as the administrator under former Section 401.11 of this Part (The Administrator) and who have served in that capacity for a minimum of 5 years immediately preceding July 1, 1998 shall continue to be deemed qualified for their positions as executive director for the child welfare agency where they are employed as of July 1, 1998.

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- e) A qualified supervisor or manager shall be appointed to act on behalf of the executive director when the executive director is absent and cannot be reached in the event of an emergency.
- f) If the executive director is to be on leave for more than one month or has left his or her position prior to the hiring of a replacement, the Department shall be notified within five business days of the name of the person appointed as acting executive director. The acting executive director shall have the qualifications required of an executive director as specified in this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: SERVICES TO CHILDREN

Section 401.420 Agency Responsibility

- a) Each child served by the agency shall, at all times, have a designated child welfare worker assigned or, for a period of time not to exceed 30 days, the case may be assigned to a child welfare supervisor.
- b) Children in placement shall be seen by the child welfare worker assigned to the case at least once every month. Foster parents shall be seen by the child welfare worker at least monthly.
- c) Except as otherwise noted in 89 Ill. Adm. Code 402, each~~Each~~ licensed facility supervised by the child welfare agency shall be visited by the licensing worker of the agency at least semi-annually to insure that the standards for licensing continue to be met.
- d) Critical decisions regarding a child, such as accepting for placement, subsequent placements, determination of or changes in the service plan, and discharge from care, shall be reviewed by the child welfare supervisor prior to implementation and when needed. These critical decisions shall result in a revised service plan.
- e) A comprehensive written admission study shall be completed within 30 days after admission and shall include:
 - 1) child's name, birth date, place of birth, sex, race, religious affiliation,

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primary language, legal status including the legal status of the parents, and present address;

- 2) names, birth dates, places of birth, marital status, sex, race, religious affiliation, primary language, addresses, and telephone numbers of the child's biological and adoptive parents;
 - 3) date and facility of placement and information concerning any special care or treatment provided to the child and his or her family; and
 - 4) reasons for, and the goal of, placement.
- f) The child and/or his or her parent or guardian shall be active participants, to the extent possible, in all decisions regarding the reasons for, and the goal of placement, the child's educational plan, and the service agreement.
 - g) Child welfare agencies that license or supervise foster family homes shall comply with the Foster Parent Law [20 ILCS 520].
 - h) Records for each child placed in a licensed or license exempt child care facility or independent living program shall include an admission study, legal documents and agreements for care, as required, and case recording ~~that~~which reflects the on-going placement supervision, service planning, care and treatment of the child.
 - i) When a child is discharged from the agency's care, records shall include the reason for discharge, the legal status of the child, the name and address of the agency or person to whom the child is discharged, family reunification or aftercare services to be provided to stabilize the family, and any recommendation for the child's future care.
 - j) The agency shall provide an environment of safety and well being for children in care.
 - 1) Staff shall not abuse or neglect children and shall provide a safe environment at all times.
 - 2) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about the child or the child's family.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes

- a) Foster family and day care homes operated and supervised by a child welfare agency shall be licensed according to the standards prescribed and published by the Department for licensing such foster family and day care homes.
- b) The child welfare agency shall submit an application for a license on forms provided by the Department for each foster family home and day care home supervised by it. The child welfare agency shall recommend the licensure of or denial of license of family homes supervised by the child welfare agency. The child welfare agency shall make these recommendations to the Department in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) and 89 Ill. Adm. 406 (Licensing Standards for Day Care Homes).
- c) When an individual submits an initial application for a foster family home license and the applicant was previously licensed as a foster family home, the child welfare agency shall review and assess all previous licensing history before making a recommendation to issue or deny a license on the current application. The child welfare agency shall share a complete copy of the previous licensing file and any licensing complaint file with an agency reviewing such an application for license.
- d) The child welfare agency shall maintain licensing records on all foster family and day care homes under its licensing supervision. The child welfare agency shall insure that facilities operating under its supervision maintain all the records required by the appropriate licensing standards for the facility.
- e) The child welfare agency supervising a group home licensed by the Department shall be responsible for ensuring the facility operates in accordance with the applicable licensing standards prescribed by the Department. When the child welfare agency intends to supervise a group home, the child welfare agency shall forward the group home license application and necessary documentation to the Department. Department's licensing staff shall conduct a license study and determine whether the group home is in compliance with 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes).

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- f) A child welfare agency shall obtain approval in writing from the Department before transferring supervision of a child or family case to another agency.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

Section 401.510 Disclosures

- a) Information disclosed in accordance with this Subpart shall be subject to the confidentiality requirements of the Child Care Act of 1969 and the Adoption Act.
- b) *A child welfare agency providing adoption services shall provide to all prospective clients, including biological parents and adoptive parents, and to the public, the following written disclosures, which shall be posted on the agency's website when there is one:*
- 1) *Adoption services provided;*
 - 2) *Policy and practices;*
 - 3) *General eligibility criteria;*
 - 4) *A general description of fees; and*
 - 5) *The mutual rights and responsibilities of clients, including biological parents and adoptive parents.*
- c) *Agencies providing adoption services shall provide to all potential clients prior to application a written schedule of:*
- 1) *Estimated fees, charges and costs the family will incur in the adoption process; and*
 - 2) *Refund policies.*
- d) *These written policies shall be part of the standard adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. [225 ILCS 10/7.4(b)]*

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- e) *An eligible adoption agency, accredited by the Council on Accreditation (COA), may be deemed compliant with subsections (b), (c) and (d) of this Section. This presumption of compliance may be rebutted by the Department with substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from the agency. [225 ILCS 10/2.27 and 7.4(b)]*
- f) *Every agency providing adoption services shall make full and fair disclosure to its clients, including biological parents and adoptive parents, of all circumstances material to the placement of a child for adoption. [225 ILCS 10/7.4(c)]*
- g) Contents of the written disclosure policy shall include:
- 1) Biological parents' rights and responsibilities.
 - A) Agencies and other resources that are serving biological parents who are making an adoption plan shall provide the biological parents, in their preferred language, with a written explanation of their rights and responsibilities.
 - B) The biological parents' rights and responsibilities document shall be prepared by the Department and shall be part of the standard forms that adoption agency staff review with the biological parents before the biological parents sign them.
 - C) A signed and witnessed copy of the biological parents' rights and responsibilities document shall be kept and maintained in the agency file, and another given to the biological parents.
 - 2) Information that is shared with the biological parents shall include when known:
 - A) Age of the adoptive parents;
 - B) The race, religion, and ethnic background of the adoptive parents;
 - C) The general physical appearance of the adoptive parents;

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- D) The education, occupation, hobbies, interests and talents of the adoptive parents;
 - E) The existence of any other children born to or adopted by the adoptive parents;
 - F) Any information that the adoptive family wishes to include in its Dear Birth Parent letter (which some agencies use).
- 3) Adoptive parents' rights and responsibilities shall include:
- A) Agencies and other resources that are serving adoptive parents shall provide the adoptive parents with a written explanation of their rights and responsibilities.
 - B) The adoptive parents' rights and responsibilities document shall be prepared by the Department and shall be part of the standard forms that adoption agency staff review with the adoptive parents before the adoptive parents sign them.
 - C) A signed and witnessed copy of the adoptive parents' rights and responsibilities shall be kept in the agency files and another given to the adoptive parents.
 - D) Adoption agencies shall provide the adoptive family with all non-identifying information about the child that has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified.
 - E) Notwithstanding any other provision of this Part to the contrary, the medical and mental health histories of a child legally freed for adoption and of the birth parents, with information identifying the birth parents redacted, shall be provided by an agency to the child's prospective adoptive parent and shall be provided upon request from an adoptive parent when a child has been adopted. The medical and mental health histories shall include all of the following available information.

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- i) Conditions or diseases believed to be hereditary;
 - ii) Drugs or medications taken by the child's mother during pregnancy;
 - iii) Psychological and psychiatric information; and
 - iv) Any other information that may be a factor influencing the child's present or future health.
- 4) The agency shall provide, in writing, the following non-identifying information, if known to the adoptive parents, not later than the day of placement with the petitioning adoptive parents:
- A) The age of biological parents;
 - B) The race, religion, and ethnic background of the biological parents;
 - C) The general physical appearance of biological parents;
 - D) The education, occupation, hobbies, interests and talents of the biological parents;
 - E) The existence of any other children born to the biological parents;
 - F) Information about biological grandparents, reason for emigrating into the United States, if applicable, and country of origin;
 - G) The relationship between biological parents;
 - H) Detailed medical and mental health histories of the child, biological parents, and their immediate relatives; and
 - I) The actual date and place of birth of the adopted person.
- 5) No information provided under this subsection (g) shall disclose the name or last known address of biological parents, grandparents, siblings of the

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biological parents, adopted person, or any other relative of the adopted person.

- 6) The adoptive family shall also be informed about the Illinois Adoption Registry.

7) The adoptive family shall also be informed of the results of their home study and post adoption reports.

- h) Minimum standards for witnessing Final and Irrevocable Surrenders for Purpose of Adoption shall include:

- 1) Child welfare agencies witnessing biological parents' surrender of parental rights shall require the biological parents to participate in at least one counseling session in person.

A) The counseling session shall take place at least 24 hours before the signing of the documents. If this is not possible, the agency shall document the reason in the biological parent's file.

B) The counseling session should include both biological parents when possible. If one biological parent does not attend the session, his or her absence shall be noted in the agency file.

C) The agency shall review the key issues regarding surrenders with the biological parents prior to taking the surrender.

- 2) A counseling session summary shall be included in every biological parent's file.

- 3) The counseling session must be conducted by a counselor with a minimum of a bachelor degree who has knowledge of the issues relevant to the surrendering of one's parental rights. The counselor may be an authorized representative of an adoption agency, either employed by or contracted by the agency, who does counseling or a counselor not associated with an agency such as a licensed social worker, licensed counselor or other mental health professional.

- i) Information to be Shared with an Adoptive Foster Parent

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A licensed child welfare agency placing a child in a licensed foster family home for adoption shall provide the prospective adoptive parent with:

- 1) Available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes, excluding any information that identifies or reveals the location of any previous caretaker.
- 2) A copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child.
- 3) Information containing details of the child's individualized educational plan when the child is receiving special education services.
- 4) Any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior and substance abuse) necessary to care for and safeguard the child.
- 5) The agency may prepare a written summary of the information required by this subsection (i) that may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide information verbally and must subsequently provide the information in writing, as required, within 10 days. In the case of emergency placements, when time does not allow prior review, preparation and collection of written information, the agency shall provide that information in writing as it becomes available.
- 6) An adoption agency receiving a request from a confidential intermediary for the full name, date of birth, last known address, or last known telephone number of a sought-after relative pursuant to Section 18.3(g) of the Adoption Act [750 ILCS 50/18.3(g)], or for medical information on behalf of the adopted or surrendered person who would like the information about himself or herself, must satisfactorily comply with this request within a period of 45 days. Agencies are subject to significant civil financial penalties if compliance is not timely.

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- 7) Following the issuance of a court order finding that the adoption agency has not complied with Section 18.3 of the Adoption Act, the adoption agency may be subject to a monetary penalty for each subsequent day of non-compliance. Any reimbursements and fines, notwithstanding any reimbursement directly to the petitioner, paid under this subsection (i)(7) are in addition to other remedies a court may otherwise impose by law. Proceeds from the penalties paid to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund. The Department of Children and Family Services shall submit reports to the Confidential Intermediary Advisory Council by July 1 and January 1 of each year in order to report the penalties assessed and collected under this subsection (i)(7), the amounts of related deposits into the DCFS Children's Services Fund, and any expenditures from those deposits.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Illinois _____

Subscribed and sworn before me this _____ day of _____, _____.

Notary Public

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~~ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR~~

~~(No investigations pending)~~

~~I, (name of licensing administrator) accept the voluntary surrender of this license and affirm that, to the best of my knowledge, this child welfare agency is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect, and that neither the DCFS Office of the Inspector General nor any other state agency of any state or its office of inspector general nor any local, any State or any federal law enforcement agency has given the Department notice that this child welfare agency is under investigation. Further, no litigation exists between the Department and this agency.~~

~~_____~~
~~Printed name and title of licensing administrator~~

~~_____~~
~~Signature of DCFS licensing administrator~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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Section 401.APPENDIX F Acceptance of Voluntary Surrender of License – Investigations Pending (Repealed)**~~AGREEMENT FOR THE VOLUNTARY SURRENDER OF A LICENSE~~**
(Investigations pending)

I, (name of head of the governing body), affirm that the governing body of the (name of the child welfare agency), met on (date of meeting) and agreed to voluntarily surrender license number _____, with an expiration date of _____ (original license attached to this agreement).

~~I further state that the child welfare agency has reason to believe that it is presently under investigation by the Department of Children and Family Services for a licensing complaint or a report of suspected abuse or neglect, by the DCFS Office of the Inspector General or by any local, State or federal law enforcement agency for any reason, or that litigation is pending between the Department and the child welfare agency.~~

~~In the following space, identify the investigating agency and summarize the basis of the investigation, if known. Attach additional pages, if necessary.~~

~~In the following space identify all pending litigation between the Department and the child welfare agency. Provide the name of the case, docket number, and:~~

- ~~a) the county in which it is filed, if a State action,~~
- ~~b) appellate district, if on appeal,~~
- ~~c) the district, if it is a federal action, or~~
- ~~d) the circuit, if it is on appeal.~~

~~I further state that the governing body of the child welfare agency or its successor will not apply for a license as a child welfare agency until (insert date at least one year from today's date).~~

~~I further state that the attached listing is a complete and correct listing of the names and addresses of the child care facilities supervised by this child welfare agency and of the license exempt day care, relative home care, independent living facilities, and other programs operated~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~by the child welfare agency. (Attach additional pages, if necessary.)~~

Printed name and title of head of governing body

Signature

Date

DEPARTMENT OF NATURAL RESOURCES

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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: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30	Deer Permit Requirements – Group Hunt (Repealed)
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008; amended at 33 Ill. Reg. 11601, effective July 27, 2009; amended at 34 Ill. Reg. 16518, effective October 8, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid Late-Winter Deer Season Permit (\$17.50), or an unfilled firearm, muzzleloader or youth deer permit valid

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for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties. Nonresident hunters must have an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:
 - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or
 - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
 - 2) Sites conducting a daily site lottery will be announced publicly.
- b) Resident Late-Winter Deer Permits will be available for sale over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the second Tuesday in December through the last day of the Late-Winter Deer Season. For counties in Unit A, there shall be no limitation on permit sales; hunters may purchase as many permits as they wish for any or all of the included counties. For counties in Unit B, hunters may purchase only a single permit for each of the included counties.
 - c) For a Special Hunt Area permit, resident hunters may apply online at <http://www.dnr.state.il.us/admin/deer.htm> for a site-specific permit valid for one of the Department's Special Hunt Areas. The application period begins the last Tuesday in October and ends the fourth Monday in November. Permits will be allocated via a lottery drawing. ~~Unallocated permits will be available for sale over-the-counter.~~
 - d) For the applicant to be eligible to receive a Late-Winter Deer Permit (\$17.50),

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he/she must be an Illinois resident and not have had his/her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

- e) Hunters purchasing Late-Winter Deer Permits must supply all necessary application information to the agents in order to properly complete the permit.
- f) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- g) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.
- h) A \$3 service fee shall be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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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: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section

690.10	Hunting Seasons
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003; amended at 28 Ill. Reg. 11893, effective July 27, 2004; amended at 29 Ill. Reg. 9786, effective June 27, 2005; amended at 30 Ill. Reg. 12229, effective June 28, 2006; amended at 31 Ill. Reg. 11700, effective July 27, 2007; amended at 32 Ill. Reg. 14819, effective August 27, 2008; amended at 33 Ill. Reg. 13900, effective September 21, 2009; amended at 34 Ill. Reg. 10802, effective July 16, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

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- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).
- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1). Hunting with air rifles is allowed at those sites listed in the following subsections that are followed by a (3).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:
 - Anderson Lake State Conservation Area (2)
 - Apple River Canyon State Park – Salem and Thompson Units (2)
 - Argyle Lake State Park (2)
 - Big Bend State Fish and Wildlife Area (2)
 - Big River State Forest (2)
 - Butterfield Trail State Recreation Area (1) (2)
 - Cache River State Natural Area (1) (2)
 - Campbell Pond State Wildlife Management Area
 - Cape Bend State Fish and Wildlife Area (1) (2)
 - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)
 - Carlyle Lake State Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

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Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)

Crawford County State Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres State Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

Hanover Bluff State Natural Area (2)

Iroquois County State Wildlife Area (closed during all deer seasons) (1) (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1) (2) (3)

Kinkaid Lake State Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through

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September 30 only; hunting allowed only on the southern one-half of the site) (1) (2) [\(3\)](#)

Marseilles State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only; open daily November 1 through the end of the site archery deer season; closed during the site firearm and muzzleloading deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (2)

Marshall State Conservation Area (1) (2)

Mermet Lake State Conservation Area (non-toxic shot only in waterfowl areas; squirrel hunting closes after September 30, except in upland game area) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1) (3)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Nauvoo State Park (Max Rowe Unit only)

Oakford State Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east subunit closes November 1) (2)

Rall Woods State Natural Area (2)

Randolph County State Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (1) (2)

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Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Sahara Woods State Fish and Wildlife Area (1) (2)

Saline County State Fish and Wildlife Area (1) (2)

Sam Dale Lake State Conservation Area (2)

Sam Parr State Park (2)

Sangamon County State Conservation Area

Shawnee National Forest – Oakwood Bottoms (non-toxic shot only) (1)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (2)

Spoon River State Forest (1) (2) (3)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2) (3)

Walnut Point State Fish and Wildlife Area (1) (2)

Washington County State Conservation Area (2)

Weinberg-King State Park (1) (2)

Weinberg-King State Park – Cecil White Unit

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Weinberg-King State Park – Scripps Unit (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (1) (2)

Wildcat Hollow State Forest (1)

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area (1) (3)

Witkowsky State Wildlife Area (opens after second firearm deer season)
(2)

- e) Season dates shall be the day following Labor Day through the end of the statewide season at the following sites:

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (2)

Giant City State Park (rimfire cartridges allowed in Union County portion; no rimfire cartridges allowed in Jackson County portion only) (1) (2)

Hamilton County State Conservation Area (2)

~~Pyramid State Park (2)~~

Siloam Springs State Park (2)

- f) Season dates shall be the day after Labor Day through September 30 at the following sites:

Johnson-Sauk Trail State Park (season reopens the day after the archery deer season closes and remains open until the end of the statewide season)
(2)

Jubilee College State Park (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (2)
(3)

Kankakee River State Park (2)

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Momence Wetlands State Natural Area (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake State Fish and Wildlife Area (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (2) (3)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by March 15 or the hunter will forfeit privileges at that site for the following year:

Beaver Dam State Park (statewide opening through September 30)

Chauncey Marsh State Natural Area (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area – North Fork Management Area, North of the County Road at the North Fork Boat Ramp and handicapped upland game area (1)

Coffeen Lake State Fish and Wildlife Area (statewide opening through September 30 [and reopens the day after archery deer season closes and remains open until the end of the statewide season](#))

Copperhead Hollow State Fish and Wildlife Area (1)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (1)

Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island

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Units (Madison County)

Hurricane Creek State Habitat Area (season closes October 31)

Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)

Kickapoo State Park (season opens [the](#) day after Labor Day)

Lake Shelbyville – Eagle Creek State Park (closes [the](#) opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1)

Matthiessen State Park (season opens on statewide opening day and closes the day before the archery deer season opens; permits available at the Starved Rock State Park office; hunting in designated areas only)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork State Fish and Wildlife Area (season opens [the](#) day after Labor Day)

Moraine View State Park (closed during the controlled pheasant season)

Newton Lake State Fish and Wildlife Area (closed during site deer seasons)

Pere Marquette State Park (season opens [the](#) day after Labor Day)

[Pyramid State Park \(season opens the day after Labor Day\) \(1\)](#)

Pyramid State Park – Captain Unit (1)

Pyramid State Park – Denmark Unit (1)

Pyramid State Park – East Conant Unit (1)

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Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sand Ridge State Forest (closed during the controlled pheasant season) (1)

Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorn Unit (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

French Bluff State Natural Area (1) (2)

Mackinaw State Fish and Wildlife Area (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (1) (2) (3)

Mt. Vernon Game Propagation Center (2)

Sandy Ford State Natural Area (2)

Weldon Springs – Piatt County Unit (2)

Woodford County State Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake State Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

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Union County State Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit – statewide closing; non-toxic shot only) (1)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys –Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
715.10	Amendment
715.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the list of open counties and sites and to update site-specific regulations.
- 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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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: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 715
 THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. 14518, effective August 24, 2006; amended at 31 Ill. Reg. 11711, effective July 27, 2007; amended at 32 Ill. Reg. 14830, effective August 27, 2008; amended at 33 Ill. Reg. 13911, effective September 21, 2009; amended at 34 Ill. Reg. 10814, effective July 16, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).

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b) Open Counties

OPEN COUNTIES

- Adams
- Alexander
- Brown
- Calhoun
- Carroll
- Cass
- Clark
- [Clay](#)
- Crawford
- [Franklin](#)
- Fulton
- Gallatin/Hardin (south of Rt. 13 only)
- Greene
- [Hamilton](#)
- Hancock
- Henderson
- Jackson
- Jasper
- Jefferson
- Jersey
- Jo Daviess
- Johnson
- Knox
- Lawrence
- Macoupin
- Madison
- Marion
- Mason
- McDonough
- [Menard](#)
- Mercer
- Monroe
- Morgan
- Perry

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- Pike
- Pope
- Randolph
- Richland
- Rock Island
- Saline
- Schuyler
- Scott
- Stephenson
- Union
- [Washington](#)
- Wayne
- [White](#)
- Whiteside
- Williamson
- Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Copperhead Hollow State Fish and Wildlife Area

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein and Chouteau Island Unit

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18

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Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

Pere Marquette State Park (south of Graham Hollow Road)

Rend Lake Project Lands ~~(portion in Jefferson County only)~~

Weinberg-King State Park – Cecil White Unit

Wise Ridge State Natural Area

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cape Bend State Fish and Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park

Fort de Chartres State Historic Site (muzzleloading shotguns only)

Giant City State Park

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Hanover Bluff State Natural Area

Horseshoe Lake State Conservation Area (public hunting area except for controlled goose hunting area)

Kinkaid Lake State Fish and Wildlife Area

Rall Woods State Natural Area

Ray Norbut State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area

Saline County State Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only)

Skinner Farm State Habitat Area

Spoon River State Forest

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area – Firing Line Management Unit Only

Weinberg-King State Park

Weinberg-King State Park – Scripps Unit

Weinberg-King State Park – Spunky Bottoms Unit

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Winston Tunnel State Natural Area

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units

Crawford County State Conservation Area

[Hamilton County State Conservation Area](#)

Jim Edgar Panther Creek State Fish and Wildlife Area

Meeker State Habitat Area

Newton Lake State Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

[Ten Mile Creek State Fish and Wildlife Area](#)

Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18345, effective August 26, 2005; amended at 29 Ill. Reg. 18944, effective November 4, 2005; amended at 30 Ill. Reg. 12240, effective June 28, 2006; amended at 31 Ill. Reg. 11723, effective July 27, 2007; amended at 32 Ill. Reg. 14843, effective August 27, 2008; amended at 33 Ill. Reg. 13918, effective September 21, 2009; amended at 34 Ill. Reg. 10821, effective July 16, 2010; amended at 35 Ill. Reg. _____, effective _____.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Butterfield Trail State Recreation Area (1)
- Cache River State Natural Area (1)
- Campbell Pond State Wildlife Management Area
- Cape Bend State Fish and Wildlife Area (1)
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake State Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)

DEPARTMENT OF NATURAL RESOURCES

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Chauncey Marsh State Natural Area (permit available at Red Hills State Park) (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Copperhead Hollow State Fish and Wildlife Area (2)

Crawford County State Conservation Area (1)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (1)

Dog Island State Wildlife Management Area (1)

Eagle Creek State Park (2)

Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (1)

Ferne Clyffe State Park (1)

Fort de Chartres State Historic Site

* Fort Kaskaskia State Historic Site (opens November 1) (1)

Fort Massac State Park (1)

Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed, no hunting from Harding Ditch right-of-way) (1)

Franklin Creek State Park (hunting in designated area only) (1)

Giant City State Park (1)

DEPARTMENT OF NATURAL RESOURCES

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Green River State Wildlife Area (1)

Hamilton County State Conservation Area (~~must possess valid site archery permit~~)(2)

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (2)

Horseshoe Lake State Conservation Area (Alexander County) (controlled goose hunting area closed 7 days prior to Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season) (1)
(2)

* Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County) (2)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; this defined waterfowl rest area is closed until the Columbus Day holiday) (1 – except south of Highway 154 and north of Highway 13)

Kickapoo State Park (2)

Kinkaid Lake State Fish and Wildlife Area

Kishwaukee River State Fish and Wildlife Area (1)

Lowden-Miller State Forest (1)

DEPARTMENT OF NATURAL RESOURCES

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Mackinaw River State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (obtain permit at Sam Parr State Park) (2)

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Moraine View State Park (closed Wednesday through Sunday during site's controlled pheasant season) (2)

Mt. Vernon Propagation Center (1)

Nauvoo State Park (Max Rowe Unit only)

Newton Lake State Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford State Conservation Area

Peabody River King State Fish and Wildlife Area (east subunit closed November 1) (1)

Pere Marquette State Park (2)

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| Pyramid State Park [\(2\)](#)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (1)

* Ramsey Lake State Park (2)

* Randolph County State Conservation Area

Rauchfuss Hill State Recreation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

* Red Hills State Park (1)

* Rend Lake Project Lands and Waters

Sahara Woods State Fish and Wildlife Area (1)

Saline County State Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area (1)

Sanganois State Fish and Wildlife Area (2)

* Sangchris Lake State Park (site will be closed to archery deer and turkey hunting during the second firearm deer season) (1) (2)

* Shabbona Lake State Park (1)

Shelbyville Lake – Corps of Engineers Managed Lands

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- Shelbyville State Wildlife Management Area (2)
- Sielbeck Forest State Natural Area (1)
- Siloam Springs State Park (1) (2)
- * Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1) (2)
- Skinner Farm State Habitat Area (1)
- * South Shore State Park (1)
- Spoon River State Forest (1)
- * Spring Lake State Fish and Wildlife Area (2)
- Starved Rock State Park/Matthiessen State Park (no turkey hunting in the nature preserves; open only in areas where archery deer hunting is allowed other than nature preserves; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season) (1)
- * Stephen A. Forbes State Park (2)
- Tapley Woods State Natural Area (1)
- Ten Mile Creek State Fish and Wildlife Area (2)
- Trail of Tears State Forest (1)
- Turkey Bluffs State Fish and Wildlife Area
- Union County State Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season) (1)
- * Washington County State Conservation Area (1)
- Wayne Fitzgerald State Park (no hunting during controlled hunts as posted at the site) (1)

DEPARTMENT OF NATURAL RESOURCES

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Weinberg-King State Park (1)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (resident hunters only) (1)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (1)

Wildcat Hollow State Forest

Winston Tunnel State Natural Area (1)

Wise Ridge State Natural Area (2)

Witkowsky State Wildlife Area (1)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
515.100	Amend
515.470	New
515.630	New
515.835	New
515.840	New
515.845	New
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 515 set forth requirements for Emergency Medical Services Systems, including licensing requirements for emergency medical technicians and vehicle service providers. The rules are being amended to implement several recent statutory changes. Public Act 96-0540 amended the Emergency Medical Services (EMS) Systems Act (Act) to authorize the Department to review applications for EMT licensure from honorably discharged members of the U.S. armed forces who have emergency medical training. Public Act 96-0702 amended the Act to include requirements for stretcher van providers. Stretcher van providers are defined as entities licensed by the Department to provide non-emergency transportation of passengers on a stretcher, in compliance with the Act and this Part, using stretcher vans. Public Act 96-1009 amended the Act to permit limited EMS System participation by facilities operated by the United States Department of Veterans Affairs, Veterans Health Administration, thus allowing EMS providers to transport patients to Veterans Health Administration facilities that voluntarily participate in an EMS System. This rulemaking amends the Definitions Section and adds new Sections to reflect the statutory requirements.

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

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

DEPARTMENT OF PUBLIC HEALTH

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- 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>Ill. Reg. Citation:</u>
515.160	Amend	35 Ill. Reg. 6309; April 15, 2011
515.330	Amend	35 Ill. Reg. 7271; May 6, 2011
515.455	New	35 Ill. Reg. 7271; May 6, 2011
515.460	New	35 Ill. Reg. 6309; April 15, 2011
515.530	Amend	35 Ill. Reg. 6309; April 15, 2011
515.640	New	35 Ill. Reg. 6309; April 15, 2011
515.800	Amend	35 Ill. Reg. 6309; April 15, 2011
515.850	New	35 Ill. Reg. 7271; May 6, 2011
515.APPENDIX D	Amend	35 Ill. Reg. 7271; May 6, 2011

- 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 publication of this issue of the *Illinois Register* to:

Susan Meister
 Division of Legal Services
 Illinois Department of Public Health
 535 W. Jefferson St., 5th floor
 Springfield, Illinois 62761

217/782-2043
 e-mail: dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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: July 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation

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515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing and Fees
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse

DEPARTMENT OF PUBLIC HEALTH

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- 515.750 Trauma Nurse Specialist
515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

- Section
515.800 Vehicle Service Provider Licensure
515.810 EMS Vehicle System Participation
515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.830 Ambulance Licensing Requirements
[515.835 Stretcher Van Provider Licensing Requirements](#)
[515.840 Stretcher Van Requirements](#)
[515.845 Operation of Stretcher Vans](#)

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

- Section
515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications
515.940 Aeromedical Crew Member Training Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation
515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: TRAUMA CENTERS

Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

515.3000	EMS Assistance Fund Administration
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SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation
515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Interfacility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 515.100 Definitions

For the purposes of this Part:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Advanced Life Support (ALS) Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road SEMSV Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate [EMS MDEMSMD](#) – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

[Applicant – an individual or entity applying for a Department-issued license or certification.](#)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, ILS or BLS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital Emergency Department where at least one physician is available in the Emergency Department at all times; physician specialists are available in minutes; and ancillary services including laboratory, x-ray and pharmacy are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Basic Life Support (BLS) Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

DEPARTMENT OF PUBLIC HEALTH

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Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation, and passed the certifying exam given by the National Council on Certification, and who by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Channel, Half-Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.

CME – continuing medical education.

Comprehensive Emergency Department – a classification of a hospital Emergency Department where at least one licensed physician is available in the Emergency Department at all times; physician specialists shall be available in minutes; ~~and~~ ancillary services including laboratory and x-ray are staffed at all times; and pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power (ERP) – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Electrocardiogram (EKG) – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the ~~Nurse~~~~Nursing and Advanced Practice Nursing~~ Act [225 ILCS 65], who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80 of the Act) These individuals were formerly called MICNS.

Emergency Medical Dispatcher – a person who has successfully completed a training course in emergency medical dispatching meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency ~~Medical Dispatch Priority Reference System~~~~medical dispatch priority reference system~~ (EMDPRS) – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data

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to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or [EMS MDEMAMD](#) – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Regional Plan – a plan established by the EMS Medical Director's

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Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder – a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours, four days a week.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital – *has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85]. (Section 3.5 of the Act)*

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Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions (IMC) – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support (ILS) Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

[Licensee – an individual or entity to which the Department has issued a license.](#)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

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Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Trauma Patient – trauma patient from birth to 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency

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patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN – a registered professional nurse, licensed under the Nursing and Advanced Practice Nursing Act, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act)
This individual was formerly called a Field RN.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an Emergency Department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-

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voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis.* (Section 3.25 of the Act)

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each Trauma Center within the Region, one EMT representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and

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provide for equipment exchange for participating EMS vehicles.

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)
"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (e.g., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from

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within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital Emergency Department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times; and a licensed physician is "on-call" to the Emergency Department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the Act and this Part, utilizing stretcher vans. (Section 3.86 of the Act)

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

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Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment – a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma

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Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator (TNSCC) – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV). (Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: EMS SYSTEMS

Section 515.470 Participation by Veterans Health Administration Facilities

- a) *Subject to patient preference, Illinois EMS providers may transport patients to Veterans Health Administration facilities that voluntarily participate in an EMS System. (Section 3.20(c)(11) of the Act)*

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- b) *Any Veterans Health Administration facility seeking limited participation in an EMS System shall agree to comply with the emergency department requirements set forth in the Hospital Licensing Requirements and with the requirements of this Section. (Section 3.20(c)(11) of the Act)*
- c) *The types of Veterans Health Administration facilities that may participate in an EMS System (Section 3.20(c)(11) of the Act): A Veterans Health Administration facility that meets the minimum standards for a basic or comprehensive emergency department as established by the Hospital Licensing Requirement that has the ability to promptly evaluate, treat, stabilize, admit or transfer patients to an appropriate hospital capable of providing the appropriate level of care based upon individual patient needs.*
- d) *A Veterans Health Administration facility (facility) seeking to participate in an EMS System shall apply in writing to the EMS MD of the System for approval. The facility shall indicate the level at which it seeks to participate (i.e., participating, associate or resource hospital), in accordance with Section 515.320 of this Part and, in the case of a resource hospital, Section 515.300 of this Part. Approval shall be based on the facility's demonstration that it can provide care at the level of participation being sought, in accordance with the requirements of the Act and this Part.*
- e) *The EMS MD shall notify the facility and the Department of the approval and the type of patients for which care is approved. If the EMS MD denies the approval, the denial shall be issued in writing and shall include the reasons for denial.*
- g) *The EMS System shall submit a revised System Program Plan to the Department providing for participation of the facility at the level approved by the EMS MD.*
- h) *Participating facilities shall agree to comply with the requirements of the EMS System Plan as set forth in Section 515.330 of this Part, System protocols established by the System, and any other applicable requirements of this Part, unless waived by the Department in accordance with Section 3.185 of the Act and Section 515.150 of this Part.*
- i) *If at any time the Director or his or her designee has determined that an immediate and serious danger to the public health, safety and welfare exists, the*

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Department will issue an emergency order in accordance with Section 3.85(b)(7) of the Act to prevent licensed vehicle providers from transporting patients to the facility's emergency department.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.630 Evaluation and Recognition of Military Experience and Education

- a) The Department will review applications for EMT licensure from honorably discharged members of the armed forces of the United States with military emergency medical training. (Section 3.50(d)(2.5) of the Act)
- b) The Department will provide application forms. Applications shall be filed with the Department within one year after military discharge and shall contain the following:
 - 1) Documentation that the application is being filed within one year after military discharge;
 - 2) Proof of successful completion of military emergency medical training;
 - 3) A detailed description of the emergency medical curriculum completed, including official documentation demonstrating basic coursework and curriculum; and
 - 4) A detailed description and official documentation of the applicant's clinical experience. (Section 3.50(d)(2.5) of the Act)
- c) The Department may request additional and clarifying information and supporting documentation, if necessary, to verify the information provided in subsection (b).
- d) The Department shall evaluate the application, including the applicant's training and experience, consistent with the standards set forth under subsections (a), (b), (c) and (d) of Section 3.10 of the Act and the requirements of this Part. (Section 3.50(d)(2.5) of the Act)

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- e) *If the application clearly demonstrates that the training and experience meet the standards of subsection (d), the Department shall offer the applicant the opportunity to successfully complete a Department-approved EMT examination for which the applicant is qualified, in accordance with Section 515.530 of this Part. (Section 3.50(d)(2.5) of the Act)*
- f) *Upon the applicant's passage of an examination, as set forth in Section 515.530 of this Part, the Department shall issue a license, which shall be subject to all provisions of the Act and this Part that are otherwise applicable to the class of EMT license issued. (Section 3.50(d)(2.5) of the Act)*

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.835 Stretcher Van Provider Licensing Requirements

- a) An application for a stretcher van provider license shall be submitted on a form prescribed by the Department. The application shall include, but not be limited to:
- 1) Applicant's and registered agent's name and permanent business addresses and telephone numbers; and
 - 2) For each vehicle to be covered by the license, the make, model, year, vehicle identification number, State vehicle license number and proof of liability insurance.
- b) The application shall be accompanied by a fee of \$25 for each vehicle included in the license application, up to 100 vehicles. A fee of \$2500 shall be submitted for applications for 100 or more vehicles.
- c) An application for license renewal shall be submitted to the Department in accordance with subsections (a) and (b) of this Section at least 60 days, but no more than 90 days, prior to license expiration.

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- d) The Department shall issue a license that is valid for one year if, after inspection, the Department finds that the stretcher van provider and each vehicle identified in the application are in compliance with the Act and this Part.
- e) The Department is authorized to make inspections and make investigations as it deems necessary to determine compliance with the Act and this Part. Advance notice shall not be required. Pursuant to any inspection or investigation, a licensee shall allow the Department full access to all records, equipment, personnel and vehicles relating to activities addressed in the Act or this Part.
- f) Each license is issued to the licensee for the vehicles identified in the application and is not transferrable. The licensee shall notify the Department, in writing, within 10 days after any changes in the information on the application. Additional vehicles shall not be put into service until an application is submitted with the required fee and an inspection is conducted.
- g) *A stretcher van provider is prohibited from advertising, identifying its vehicles, or disseminating information in a false or misleading manner concerning the provider's type and level of vehicles, location, response times, level of personnel, licensure status, or EMS System participation. (Section 3.86 of the Act)*

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 515.840 Stretcher Van Requirements

- a) A stretcher van shall not be a passenger sedan, limousine, or recreational vehicle. Sport utility vehicles with fewer than three passenger doors and a wheelbase of less than 100 inches are not permitted to be licensed as stretcher vans.
- b) A stretcher van shall have the capability for continuous and reliable voice communication with staffed dispatch bases and receiving facilities, and the ability to contact emergency services as necessary.
- c) A stretcher van shall have sufficient room for two attendants and appropriate equipment to secure all passengers and the stretcher to prevent injury or aggravation of an existing medical condition and to allow for direct observation of the stretcher passenger.

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- d) A stretcher van shall be in good operating condition and equipped with seat belts for each passenger, one working 5-pound ABC fire extinguisher, and one working battery-operated flashlight. A stretcher van shall not be equipped with emergency (red or blue) lights or other emergency warning devices.
- e) A stretcher van shall have accommodation for a primary wheeled litter, which shall be at least 75 inches long and 22 inches wide and fastened securely with a crash-stable quick-release three-point fastener (i.e., Ferno Type 175 fastener or equivalent); in addition, passengers on the primary wheeled litter shall be secured with three sets of straps and over-shoulder straps.
- f) A stretcher van shall have a flat and unencumbered floor with a non-skid surface that is easily cleaned. The patient area of the stretcher van shall be constructed of surfaces that are non-porous and easily sanitized.
- g) A stretcher van shall have a loading light capable of illuminating the area around the stretcher van.
- h) A stretcher van shall be equipped with a crash-stable quick-release mounting bracket for each oxygen cylinder transported.
- i) A stretcher van shall have provisions for continuous visual and voice communication between the driver and the passenger.
- j) A stretcher van shall have heating, cooling and ventilation systems in good working condition. The passenger area shall be clear and designed to ensure that there are no sharp projections that could injure the passenger.
- k) Smoking or use of smoking materials or devices shall not be permitted in stretcher vans licensed under this Part. A stretcher van shall include "No Smoking" and "Fasten Seat Belt" signs conspicuously posted in the driver and passenger compartments.
- l) A stretcher van shall provide either:
 - 1) A 24-hour written agreement to have emergency road service; or

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- 2) One spare wheel and tire, one with jack with the capacity to raise a wheel of the stretcher van, and one wheel lug wrench.
- m) A stretcher van shall be equipped with:
 - 1) Two each: pillows, sheets and blankets;
 - 2) CPR mask with safety valve;
 - 3) Red bio-hazard labeled isolation bags; and
 - 4) A box of disposable gloves.
- n) All equipment and supplies in a stretcher van shall be properly secured, so as to be crash safe.
- o) A stretcher van shall not transport more than one stretcher passenger at any one time.

(Source: Added at 35 Ill. Reg. _____, effective _____)

Section 515.845 Operation of Stretcher Vans

- a) No stretcher van may be operated with a crew of fewer than two trained attendants. One trained attendant shall remain with the passenger.
- b) All stretcher van attendants shall be CPR certified and have received basic training in the operation of stretchers.
- c) A stretcher van provider may provide transport of a passenger on stretcher provided the passenger meets all of the following requirements:
 - 1) He or she needs no medical equipment, except self-administered medications;
 - 2) He or she needs no medical monitoring or medical observation;

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- 3) *He or she needs routine non-emergent transportation to or from a medical appointment or service if he or she is convalescent or otherwise bed confined and does not require medical monitoring, aid, care, or treatment during transport. (Section 3.86(c) of the Act)*
- d) *Examples of appropriate stretcher van transport include transport from a passenger's home to another residential setting, a medical appointment or a therapy session.*
- e) *A stretcher van provider shall not transport a passenger who meets any of the following conditions:*
- 1) *He or she is currently admitted to a hospital or is being transported to a hospital for admission or urgent emergency treatment;*
 - 2) *He or she is acutely ill, wounded or medically unstable as determined by a licensed physician;*
 - 3) *He or she is experiencing an emergency medical condition, an acute medical condition, an exacerbation of a chronic medical condition, or a sudden illness or injury.*
 - 4) *He or she was administered a medication that might prevent the passenger from caring for himself or herself;*
 - 5) *He or she was moved from one environment where 24-hour medical monitoring or medical observation will take place by certified or licensed nursing personnel to another such environment. Such environments shall include, but not be limited to, hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, and nursing facilities licensed under the Nursing Home Care Act. (Section 3.86(d) of the Act)*
- f) *Examples of inappropriate transports by stretcher vans include:*
- 1) *Passengers who, by nature of their illness or injury, are likely to encounter complications and are likely to require medical care in route;*

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- 2) [Passengers whose physical or mental state prevents them from cooperating with the stretcher van operators \(e.g., senile dementia/Alzheimer's mentally unstable individuals or passengers who present a risk of elopement\).](#)

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Non-Binding, Advisory Opinions on Criminal Convictions
- 2) Code Citation: 68 Ill. Adm. Code 1130
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1130.10	New Section
1130.20	New Section
1130.30	New Section
1130.40	New Section
- 4) Statutory Authority: Implementing the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(i)]
- 5) Effective Date of Rules: May 20, 2011
- 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 principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: November 12, 2010; 34 Ill. Reg. 17126
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Yes
 - A) Statement of Objection: April 29, 2011; 35 Ill. Reg. 7221
 - B) Agency Response: May 20, 2011; 35 Ill. Reg. 7956
 - C) Date Agency Response Submitted for Approval to JCAR: May 10, 2011
- 11) Differences between proposal and final version: There were only a few minor nonsubstantive changes. Therefore, there are no substantive differences between the proposed and the adopted versions of this rulemaking.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Public Act 96-852 included a provision amending the Civil Administrative Code to direct the Department of Financial and Professional Regulation to establish a process for individuals with a criminal conviction to request a non-binding, advisory opinion from the Department on the impact their criminal conviction might have with respect to an application for licensure; this adopted rulemaking implements that provision. It provides a method for individuals with criminal convictions to ask the Department what impact, if any, their criminal conviction will or might have with respect to an application for licensure. It further provides a method for the Division of Professional Regulation to respond to those inquiries.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax# 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER a: ADMINISTRATIVE RULESPART 1130
NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section

1130.10	Definitions
1130.20	Request for Non-Binding, Advisory Opinion
1130.30	Board Review
1130.40	Confidentiality of Records

AUTHORITY: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 35 Ill. Reg. 7956, effective May 20, 2011.

Section 1130.10 Definitions

"Board" means a board or committee appointed and acting pursuant to any Act administered by the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Department" means the Department of Financial and Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Individual" means a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, who applies to the Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements, including, but not limited to, the successful completion of the relevant examinations [20 ILCS 2105/2105-15(i)].

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"Statute" means Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

Section 1130.20 Request for Non-Binding, Advisory Opinion

- a) An individual shall file a request for a non-binding, advisory opinion on forms provided by the Department. The request shall include:
 - 1) A copy of all convictions for which the individual seeks a non-binding, advisory opinion from the Department;
 - 2) Copies of any certificate of relief from disabilities that the individual may have received or obtained;
 - 3) A detailed nature of the offense;
 - 4) Any statements of mitigation;
 - 5) Any prior conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony or misdemeanor under the laws of the United States or any state or territory thereof or a misdemeanor of which an essential element is dishonesty or that is directly related to the practice of the profession;
 - 6) Any licenses held or prior applications filed with the Division;
 - 7) The profession for which the individual intends to seek licensure (if the individual intends to seek licensure in more than one profession and is seeking a non-binding, advisory opinion on more than one profession, the individual shall complete a separate request for each profession for which the individual is seeking a non-binding, advisory opinion);
 - 8) If applicable, verification from any state in which an individual is or has been licensed stating:
 - A) The time during which the individual was licensed in that state, including the date of the original issuance of the license; and

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- B) Whether the file on the individual contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the information submitted by the individual is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the individual seeking licensure may be requested to provide further information as may be necessary.
- c) In determining whether an individual's criminal record, as disclosed in the request, is considered a bar to the future licensure of the individual, the Department may consider the following factors or any other factors deemed relevant by the Department:
- 1) Whether there is a direct relationship between one or more of the previous criminal offenses and the specific license to be sought;
 - 2) Whether the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;
 - 3) The specific duties and responsibilities necessarily related to the license being sought;
 - 4) The bearing, if any, the criminal offenses will have on the applicant's fitness or ability to perform one or more of the duties and responsibilities of a licensee;
 - 5) The time that has elapsed since the occurrence of the offenses;
 - 6) The age of the individual at the time of occurrence of the criminal offenses;
 - 7) The seriousness of the offenses; and
 - 8) Any information produced by the individual or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the individual, which shall

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create a presumption of rehabilitation in regard to the offenses specified in the certificate.

Section 1130.30 Board Review

- a) At any time during the review and determination of a request for a non-binding, advisory opinion as to whether the criminal record of an individual as disclosed in the request would bar the individual from the licensure or certification to be sought, the Department may, but shall not be required to, seek the advice and/or recommendation of the Board established for the profession for which the individual seeks licensure or certification.
- b) Any recommendation taken by the Board shall be taken at a meeting held in accordance with the Open Meetings Act [5 ILCS 120]. In exigent circumstances, as determined in the sole discretion of the Department, the Department may contact an individual Board member for advice concerning any individual's request for a non-binding, advisory opinion.

Section 1130.40 Confidentiality of Records

All documents and records submitted to the Department by an individual seeking a non-binding, advisory opinion shall be deemed confidential and may not be made available to any person or public or private agency, including any requests made pursuant to the Freedom of Information Act [5 ILCS 140], except if specifically required or permitted by statute or upon specific authorization by the individual seeking a non-binding, advisory opinion. The Department shall not be required to release any documents filed or received pursuant to this Part unless the Department has obtained a written, signed release from the individual who originally requested a non-binding, advisory opinion determination from the Department; except that the Department may disclose information and documents to a federal, state or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body.

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
140.462	Amendment
140.464	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 29, 2010; 34 Ill. Reg. 16670
- 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 agreements issued by JCAR? No changes were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections Numbers</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
140.461	Amendment	November 29, 2010; 34 Ill. Reg. 17799
140.438	Amendment	August 6, 2010; 34 Ill. Reg. 10967
- 15) Summary and Purpose of Amendments: These amendments provide that dental services may be offered at encounter rate clinics but billed separately from medical encounters.

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The rulemaking also establishes a payment of the lesser of \$85 per encounter or the clinic's historical annual cost per encounter as calculated for a federally qualified health center.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

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

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- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 SeniorCare Pharmaceutical Benefit (Repealed)
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
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- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
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140.438	Imaging Centers
140.440	Pharmacy Services
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140.455	Payment for Mental Health Services
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140.474	Payment for Home Health Services
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140.479	Limitations, Medical Supplies
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140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
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- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
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- 140.562 Nursing Costs
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- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
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- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
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- 140.577 Capital Costs for Rented Facilities (Renumbered)
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- 140.590 Audit and Record Requirements
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- 140.643 In-Home Care Program
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- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training

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(DT) Programs

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140.652	Terms of Assurances and Contracts
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140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

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

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- 140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

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

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

Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program
(Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for
Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the
ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)

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- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

- 140.990 Primary Care Case Management Program
- 140.991 Primary Care Provider Participation Requirements
- 140.992 Populations Eligible to Participate in the Primary Care Case Management Program
- 140.993 Care Management Fees
- 140.994 Panel Size and Affiliated Providers
- 140.995 Mandatory Enrollment
- 140.996 Access to Health Care Services
- 140.997 Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

- 140.1001 Registration Conditions for Alternate Payees
- 140.1002 Participation Requirements for Alternate Payees
- 140.1003 Recovery of Money for Alternate Payees
- 140.1004 Conditional Registration for Alternate Payees
- 140.1005 Revocation of an Alternate Payee
-
- 140.TABLE A Medicare Recommended Screening Procedures (Repealed)
- 140.TABLE B Geographic Areas
- 140.TABLE C Capital Cost Areas
- 140.TABLE D Schedule of Dental Procedures
- 140.TABLE E Time Limits for Processing of Prior Approval Requests
- 140.TABLE F Podiatry Service Schedule
- 140.TABLE G Travel Distance Standards
- 140.TABLE H Areas of Major Life Activity
- 140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
- 140.TABLE J HSA Grouping (Repealed)

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- 140.TABLE K Services Qualifying for 10% Add-On (Repealed)
140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On
(Repealed)
140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services

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

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

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26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3,

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1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057,

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effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment

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suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at

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22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September

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20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective

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May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.462 Covered Services in Clinics

Payment shall be made to clinics for the following types of services when provided by, or under the direction of, a physician:

- a) Hospital-Based Organized Clinics
 - 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), covered services are those described in subsection (e), as appropriate.
 - 2) With respect to all other hospital-based organized clinics, covered services are those described in 89 Ill. Adm. Code 148.
- b) Encounter Rate Clinics
 - 1) With respect to those encounter rate clinics that qualify as Maternal and

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Child Health providers, as described in Section 140.924(a)(2)(B), covered services are those described in Section 140.922.

- 2) With respect to all other encounter rate clinics, covered services are medical services ~~that~~^{which} provide for the continuous health care needs of persons who elect to use this type of service, including dental services that will be billed as separate encounters for dates of service on or after January 1, 2011.

c) Rural Health Clinics

Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:

- 1) Physician's Services, including covered services of nurse practitioners, nurse midwives and physician-supervised physician assistants.
- 2) Other services for which a separate encounter may be billed include dentist and behavioral health services as defined in Section 140.463(a).
- 3) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice that have been included in the cost report but neither fee-for-service nor encounter billings may be billed. Some examples of these services include:
 - A) medical case management;
 - B) laboratory services;
 - C) occupational therapy;
 - D) patient transportation;
 - E) pharmacy services;
 - F) physical therapy;

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- G) podiatric services;
 - H) speech and hearing services;
 - I) x-ray services;
 - J) health education;
 - K) nutrition services;
 - L) optometric services.
- 4) A rural health clinic (RHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service provided.
- 5) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing prior to billing for the services.
- 6) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings for any RHC services.
- d) Federally Qualified Health Centers
Those core services for which the clinic or center may bill an encounter as described in 42 CFR 440.90 (2000) are as follows:
- 1) Physician's services, including covered services of nurse midwives, nurse practitioners and physician-supervised physician assistants.
 - 2) Other services for which separate encounters may be billed include dentists and behavioral health services as defined in Section 140.463(a).
 - 3) Medically-necessary services and supplies furnished by or under the direction of a physician or dentist within the scope of licensed practice have been included in the cost report but neither fee-for-service nor

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encounter billings may be billed. Some examples of these services include:

- A) medical case management;
 - B) laboratory services;
 - C) occupational therapy;
 - D) patient transportation;
 - E) pharmacy services;
 - F) physical therapy;
 - G) podiatric services;
 - H) optometric services;
 - I) speech and hearing services;
 - J) x-ray services;
 - K) health education;
 - L) nutrition services.
- 4) A federally qualified health center (FQHC) that adds behavioral health services or dental services on or after October 1, 2001, must notify the Department in writing. These services are to be billed as an encounter with a procedure code that appropriately identifies the service.
- 5) Any service that is no longer provided on or after October 1, 2001, or any new service added on or after October 1, 2001, must be communicated to the Department in writing.
- 6) Effective January 1, 2001, the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act (BIPA) precludes fee-for-service billings

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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for any FQHC services provided.

- e) **Maternal and Child Health Clinics**
Payment shall be made to the Maternal and Child Health clinics identified in Section 140.461(f)(1) for the following services when provided by, or under the direction of, a physician:
- 1) In the case of clinics described in Section 140.461(f)(1)(A) and (f)(1)(B), primary care services delivered by the clinic, which must include, but are not necessarily limited to:
 - A) Early, periodic, screening, diagnostic, and treatment (EPSDT) services as defined in Section 140.485;
 - B) Childhood risk assessments to determine potential need for mental health and substance abuse assessment and/or treatment;
 - C) Regular immunizations for the prevention of childhood diseases;
 - D) Follow-up ambulatory medical care deemed necessary, recommended, or prescribed by a physician as a result of an EPSDT screening;
 - E) Routine prenatal care, including risk assessment, for pregnant women; and
 - F) Specialty care as medically needed.
 - 2) In the case of clinics described in Section 140.461(f)(1)(C), primary care and specialty services delivered by the clinic, which must include, but are not necessarily limited to:
 - A) Prenatal care, including risk assessment (one risk assessment per pregnancy);
 - B) All ambulatory treatment services deemed medically necessary, recommended, or prescribed by a physician as the result of the assessment; and

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- C) Services to pregnant women with diagnosed substance abuse or addiction problems.
- 3) In the case of clinics described in Section 140.461(f)(1)(D):
- A) Comprehensive medical and referral services.
 - B) Primary care services, which must include, but are not necessarily limited to:
 - i) early, periodic, screening, diagnostic, and treatment (EPSDT) services as defined in Section 140.485;
 - ii) regular immunizations for the prevention of childhood diseases; and
 - iii) follow-up ambulatory medical care deemed necessary, recommended, or prescribed by a physician as the result of an EPSDT screening.
 - C) Pediatric specialty services, which must include, at a minimum, necessary treatment for:
 - i) asthma,
 - ii) congenital heart disease,
 - iii) diabetes, and
 - iv) sickle cell anemia.
 - D) Ambulatory treatment for other medical conditions as specified in the center's certificate application and as approved by the Department.
- f) School Based/Linked Health Clinics (Centers)
Covered services are the following services, when delivered in a school

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based/linked health center setting as described in Section 140.461(g):

- 1) Basic medical services: well child or adolescent exams, consisting of a comprehensive health history, complete physical assessment, screening procedures and age appropriate anticipatory guidance; immunizations; EPSDT services; diagnosis and treatment of acute illness and injury; basic laboratory tests; prescriptions and dispensing of commonly used medications for identified health conditions, in accordance with Medical Practice and Pharmacy Practice Acts; and acute management and on-going monitoring of chronic conditions, such as asthma, diabetes and seizure disorders.
- 2) Reproductive health services: gynecological exams; diagnosis and treatment of sexually transmitted diseases; family planning; prescribing and dispensing of birth control or referral for birth control services; pregnancy testing; treatment or referral for prenatal and postpartum care; and cancer screening.

(Source: Amended at 35 Ill. Reg. 7962, effective May 1, 2011)

Section 140.464 Hospital-Based and Encounter Rate Clinic Payments

- a) Hospital-Based Organized Clinics
 - 1) With respect to those hospital-based organized clinics, as described at Section 140.461(a), that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinics
 - 1) For encounter rate clinics, as described at Section 140.461(b), providing comprehensive health care for infants and women, including but not limited to prenatal and postnatal care, payment shall be made at the lesser of:

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- A) \$90 per encounter; or
- B) The clinic's charge to the general public.

2) For encounter rate clinics, as described at Section 140.461(b), providing dental services, payment shall be made at the lesser of:

- A) \$85 per encounter; or
- B) The clinic's historical annual cost per encounter as calculated for a Federally Qualified Health Center (FQHC) in accordance with Section 140.463(b)(3)(B).

3)2) For all other encounter rate clinics, payment shall be made at the lesser of:

- A) The clinic's approved all inclusive interim per encounter rate as of May 1, 1981; or
- B) \$50 per encounter; or
- C) The clinic's charge to the general public.

(Source: Amended at 35 Ill. Reg. 7962, effective May 1, 2011)

PURCHASED CARE REVIEW BOARD

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- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1850
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1850.10	Amendment
1850.210	Amendment
1850.APPENDIX A	Amendment
- 4) Statutory Authority: 5 ILCS 140/3(h) and 5 ILCS 100/5-15
- 5) Effective Date of Amendments: May 9, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rules do not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act (IAPA).
- 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: Prior publication of an internal rule in the Illinois Register is subject to Section 5-15 of the IAPA, not Section 5-35.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Since this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to first or second notice review by JCAR.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: PA 96-542, effective January 1, 2010, made several changes in the Illinois Freedom of Information Act (FOIA) that affect the Board's rules governing FOIA requests. While most of the changes in the law are specific and need no further edification in rules, changes to align the rules to statute are being proposed. Chiefly, Section 1850.10(g) and (h) regarding an appeal of the Board's decision to deny a FOIA request are being repealed, as the responsibility for review is now housed with the Illinois Attorney General's Public Access Counselor. The proposal also provides that oral requests will not be accepted (although the law authorizes agencies to accept them) and that requests must indicate if they are being made for a commercial purpose, as these types of requests are treated differently under the law.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Tim Imler, Division Administrator
Funding and Disbursements Division
Illinois State Board of Education
100 North First Street, S-404
Springfield, Illinois 62777

217/782-4648

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

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER XV: [ILLINOIS GOVERNOR'S](#) PURCHASED CARE REVIEW BOARD

PART 1850

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

1850.10 Provision of Information

SUBPART B: RULEMAKING

Section

1850.110 Rulemaking Procedures

1850.120 Petitions for Adoption of Rules

SUBPART C: ORGANIZATION

Section

1850.210 Purpose and Organization

1850.APPENDIX A Organization Chart

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Emergency rules adopted at 2 Ill. Reg. 52, p. 177, effective December 19, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 20, p. 24, effective May 8, 1979; codified at 8 Ill. Reg. 19982; amended at 9 Ill. Reg. 72, effective December 20, 1984; amended at 35 Ill. Reg. 7990, effective May 9, 2011.

SUBPART A: PUBLIC INFORMATION

Section 1850.10 Provision of Information

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Summary and Purpose.

- 1) This Subpart A implements~~These rules are established to implement~~ the provisions of the Freedom of Information Act (~~Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.~~). The purpose of this Subpart A~~these rules~~ is to support the policy of providing public access to the public records in the possession of the Illinois~~The Governor's~~ Purchased Care Review Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- 2) This Subpart A creates~~These rules create~~ a procedure by which the public may request and obtain public records.

b) Definitions

- 1) Terms used in this Subpart A~~these rules~~ shall have the same meaning as in the Freedom of Information Act.
- 2) "FOIA" means the Freedom of Information Act.
- 3) "Freedom of Information Officer" means an individual employed by the Illinois State Board of Education, or his or her designee, who is responsible for receiving and responding to requests for public records.
- 4) "Requestor" means a person who submits a request for public records in accordance with this Subpart A~~these rules~~.
- 5) "Board GPCRB" means the Illinois~~Governor's~~ Purchased Care Review Board.

c) Person ~~to~~to Whom Requests Are Submitted

- 1) Requests for public records shall be submitted in writing to the Freedom of Information Officer ~~of the GPCRB~~. Requests ~~may~~shall be submitted by mail at the Freedom of Information Office, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 63777, ATTN: FOIA Request; by email to foia@isbe.net; or by facsimile at 217-524-8585~~to the following address:~~

PURCHASED CARE REVIEW BOARD

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~~Freedom of Information Officer
Governor's Purchased Care Review Board
611 Stratton Office Building
Springfield IL 62706~~

~~2) Oral requests for public records shall not be accepted.~~

d) Form and Content of Requests

~~1) Requests in accordance with the FOIA and these rules shall be made in writing. Such requests may be submitted on FOIA request forms provided by the GPCRB.2) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.3) The requestor shall provide the following information in a request for public records:~~

~~A) The requestor's full name, address and phone number, except that a requester who wishes to remain anonymous is not required to submit this information;~~

~~B) A brief description of the public records sought, being as specific as possible;~~

~~C) Whether the request is for inspection of public records, copies of public records, or both;~~

~~D) The medium and format of the public records sought (i.e., paper, specific electronic medium); and~~

~~E) Whether the request is for a commercial purpose as defined in Section 3.1 of the FOIA.~~

~~24) A request for copies of public records may request that the records be certified.~~

~~5) A request not meeting the requirements of these rules will be returned as improperly submitted.~~

PURCHASED CARE REVIEW BOARD

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e) Timeline for Response

- 1) The BoardGPCRB shall respond to a written request for public records within five business7-working days after the receipt of such request, except the timeline for requests made for commercial purposes shall be as set forth in Section 3.1 of the FOIA.
- 2) The BoardGPCRB may give notice of an extension of time to respond thatwhich does not exceed five businessan additional 7-working days from the original due date. Such an extension is allowable only if written notice is provided within the original five-business-day7-working-day time limit and only for the reasons provided in Section 3(e)(d) of the FOIA. TheSuch notice of extension shall state the reasons why the extension is necessary.

f) Types of Responses

- 1) The BoardGPCRB shall respond to a request for public records in one of three ways:
 - A) Approve the request;:-
 - B) Approve in part and deny in part; or:-
 - C) Deny the request.
- 2) Upon approval of a request for public records, the BoardGPCRB may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.
- 3) A written request from the Board to the requester for additional information provided within the timelines specified in Section 3 or Section 3.1 of FOIA shall be considered a response to the FOIA request.A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals requestor's right to

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

~~appeal to the Executive Director of the GPCRB.~~

4) ~~An individual or entity whose request for public records has been denied by the Board may seek a review of that decision by the Public Access Counselor in accordance with the provisions of Section 9.5 of FOIA. Categorical requests creating an undue burden upon the GPCRB shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.~~

5) ~~Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.~~

g) ~~Appeal of a Denial 1) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director of the GPCRB. The notice of appeal shall be made in writing and sent to: Executive Director Governor's Purchased Care Review Board 611 Stratton Office Bldg Springfield IL 62706 ATTN: FOIA Appeal 2) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted. 3) An appeal not meeting the requirements of these rules will be returned to the person making the appeal as improperly filed. h) Executive Director's Response to Appeal The Executive Director shall respond to an appeal within 7 working days after receiving notice thereof. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial. i) Inspection of Records at Board GPCRB Offices~~

1) Public records will be made available for inspection during normal working hours of the Board GPCRB at the office of the Freedom of Information Officer.

2) Documents ~~that~~which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by ~~staff to the Board GPCRB employees.~~

3) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of

PURCHASED CARE REVIEW BOARD

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convenience, either the [BoardGPCRB](#) or the requestor may request that inspection take place in another department office location.

- 4) An employee of the [BoardGPCRB](#) may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

j) Copies of Public Records

- 1) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- 2) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records," [which shall be posted at http://www.isbe.net/htmls/foia.htm](http://www.isbe.net/htmls/foia.htm)~~on file with the GPCRB.~~
- 3) Charges shall be waived if the requestor is a State agency, a constitutional officer or a member of the General Assembly. [Charges shall not be waived when the records are to be used for political campaign purposes.](#) Charges may be waived in any other case where the [BoardFreedom of Information Officer](#) determines that the waiver serves the public interest.

k) General Materials Available from the Freedom of Information Officer.
The Freedom of Information Officer shall make available to the public at no charge the following materials:

- 1) A brief description of the organizational structure and budget of the [BoardGPCRB](#).
- 2) A brief description of the means for requesting information and public records:-
- 3) A list of types and categories of public records maintained by the [Board; andGPCRB](#).
- 4) A fee schedule for duplication of public records.

(Source: Amended at 35 Ill. Reg. 7990, effective May 9, 2011)

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: ORGANIZATION

Section 1850.210 Purpose and Organization

- a) The purpose of the ~~Illinois Governor's~~ Purchased Care Review Board is to determine what costs are allowable for eligible providers of special educational and related services and also room and board services, and to provide for the coordination of services and financial assistance provided by all ~~State~~ agencies to ~~handicapped~~ children ~~with disabilities~~.
- b) The Board shall consist of the six public officials named in Section 14-7.02 of ~~the~~The School Code ~~[105 ILCS 5/14-7.01](Ill. Rev. Stat. 1981, ch. 122, par. 14-7.02)~~ and ~~such~~ other persons or public officials as the Governor may designate from time to time in writing. ~~These~~~~Such~~ designations shall be for specified periods and shall be filed with the Board.
- c) The public officials named in ~~the~~The School Code, or other public officials designated by the Governor as members of the Board, may designate individuals to represent them at meetings of the Board, provided:
- 1) ~~the~~~~such~~ designation is filed with the Board in writing on or before its effective date, and
 - 2) the individual designee has authority to speak and vote for the individual by whom designated.
- d) ~~The Board will employ staff and enter into contracts as necessary to accomplish its purposes.~~e) The official headquarters of the ~~Illinois Governor's~~ Purchased Care Review Board is:
- ~~Illinois Governor's~~ Purchased Care Review Board
~~100 North First Street, E-320~~
~~611 William G. Stratton Building~~
Springfield, Illinois ~~62777~~62706
- e) The flow chart located in Appendix A ~~of this Part~~ depicts the organization of the Board.

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 7990, effective May 9, 2011)

PURCHASED CARE REVIEW BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1850.APPENDIX A Organization Chart



(Source: Amended at 35 Ill. Reg. 7990, effective May 9, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE
RULES OBJECTION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Non-Binding, Advisory Opinions on Criminal Convictions
- 2) Code Citation: 68 Ill. Adm. Code 1130
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
1130.10	Agreement
1130.20	
1130.30	
1130.40	
- 4) Date Notice of Proposed Rules Published in the Register: November 12, 2010; 34 Ill. Reg. 17126
- 5) Date JCAR Statement of Objection Published in the Register: April 29, 2011; 35 Ill. Reg. 7221
- 6) Summary of Action Taken by the Agency: At its meeting on April 12, 2011, JCAR objected to the above-cited rulemaking because of DFPR's failure to adopt these rules within the statutory timeframe. The Department will make a conscientious effort to be more timely in proposing rules required to implement statutory changes.

DEPARTMENT OF INSURANCE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Modified Guaranteed Annuity (MGA) Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1410
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1410.10	Amendment
1410.20	Amendment
1410.30	Amendment
1410.50	Amendment
1410.60	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: March 18, 2011; 35 Ill. Reg. 4491
- 5) Reason for the Withdrawal: Due to changes in the regulatory environment, the Department has decided to further study the current market for Modified Guaranteed Annuities before proceeding with any changes to Part 1410.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 3, 2011 through May 9, 2011 and have been scheduled for review by the Committee at its June 14, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/17/11	<u>Department of Financial and Professional Regulation</u> , Illinois Athlete Agents Act (68 Ill. Adm. Code 1155)	3/4/11 35 Ill. Reg. 3654	6/14/11
6/17/11	<u>Department of Financial and Professional Regulation</u> , Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)	3/18/11 35 Ill. Reg. 4453	6/14/11
6/18/11	<u>Department of Natural Resources</u> , The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)	2/25/11 35 Ill. Reg. 3037	6/14/11
6/18/11	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	3/11/11 35 Ill. Reg. 3895	6/14/11
6/18/11	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	3/11/11 35 Ill. Reg. 3913	6/14/11
6/18/11	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	3/11/11 35 Ill. Reg. 3924	6/14/11
6/18/11	<u>Department of Natural Resources</u> , Boat and Snowmobile Registration and Safety (17 Ill. Adm. Code 2010)	3/11/11 35 Ill. Reg. 3949	6/14/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/18/11	<u>Department of Natural Resources, Conservation</u> Police Officer Professional Standards (17 Ill. Adm. Code 2050)	3/11/11 35 Ill. Reg. 3959	6/14/11
6/18/11	<u>Department of Natural Resources, Illinois</u> Resident Armed Forces Fee Exemptions (17 Ill. Adm. Code 2510)	3/11/11 35 Ill. Reg. 3964	6/14/11
6/18/11	<u>State Universities Retirement System,</u> Universities Retirement (80 Ill. Adm. Code 1600)	3/18/11 35 Ill. Reg. 4498	6/14/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 21 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.

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

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