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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

**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 October 15, 2012 to January 2, 2013.

Editor's Note 2: As a reminder, the Secretary of State's office will be closed on December 24<sup>th</sup> and 25<sup>th</sup> for the holidays. The filing deadline for that week will be on Wednesday, December

26<sup>th</sup> at noon for the *Illinois Register*. Do not wait until the last minute to file your rulemakings, as a courtesy.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois
- 2) Code Citation: 83 Ill. Adm. Code 735
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
735.10	Amendment
735.30	Amendment
- 4) Statutory Authority: Implementing Sections 8-101 and 9-252 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 9-252, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments reflect the creation of the "electing provider" and define the limited application of the Part to electing providers.
- 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 Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0685, with:

Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

## PART 735

PROCEDURES GOVERNING THE ESTABLISHMENT OF CREDIT, BILLING,  
DEPOSITS, TERMINATION OF SERVICE AND ISSUANCE OF TELEPHONE  
DIRECTORIES FOR LOCAL EXCHANGE TELECOMMUNICATIONS  
CARRIERS IN THE STATE OF ILLINOIS

735.10	Definitions
735.20	Policy
735.30	Scope and Application
735.40	Discrimination Prohibited
735.50	Variance
735.60	Saving Clause
735.70	Customer Billings
735.80	Deferred Payment Agreements
735.90	Preferred Payment Dates
735.100	Applicants for Service
735.110	Present Customers
735.120	Deposits
735.121	Refunds of Additional Charges
735.130	Discontinuance or Refusal of Service
735.140	Illness Provision
735.150	Payment for Service
735.160	Past Due Bills
735.170	Service Restoral Charge
735.180	Directories
735.190	Dispute Procedures
735.200	Commission Complaint Procedures
735.210	Public Notice of Commission Rules
735.220	Second Language
735.230	Customer Information Booklet
735.APPENDIX A	Notice of Discontinuance of Service
735.APPENDIX B	Requirements to Avoid Shutoff of Service in the Event of Illness
735.APPENDIX C	Public Notice Concerning Availability of this Part

AUTHORITY: Implementing Sections 8-101 and 9-252 and authorized by Section 10-101 of

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

the Public Utilities Act [220 ILCS 5/8-101, 9-252 and 10-101].

SOURCE: Adopted at 7 Ill. Reg. 2108, effective February 4, 1983; codified at 7 Ill. Reg. 15969; emergency amendment at 7 Ill. Reg. 16055, effective November 17, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5161, effective April 13, 1984; amended at 18 Ill. Reg. 4146, effective March 15, 1994; amended at 18 Ill. Reg. 6164, effective May 1, 1994; amended at 18 Ill. Reg. 17981, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16552, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7078, effective May 1, 2002; amended at 34 Ill. Reg. 3263, effective March 1, 2010; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 735.10 Definitions**

"Act" – the Public Utilities Act [220 ILCS 5].

"Applicant" – a person who applies for telecommunications service. Includes persons seeking reconnection of their service after Company-initiated termination.

"Business Service" – is telephone service where the use of the service is primarily or substantially of a business, professional, institutional, or otherwise occupational nature and as further defined in the Company's tariffs.

"Commission" – the Illinois Commerce Commission.

"Company" – telephone company or telecommunications carrier under the jurisdiction of the Illinois Commerce Commission.

"Customer" – any person who agrees to pay for telecommunication services provided by a telephone company.

"Discontinuance" – temporary (10 days or less) disconnection of telecommunications service.

"Electing Provider" – has the same meaning as ascribed in Section 13-506.2(a)(1) of the Act.

"Network Access Line" – the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange

## ILLINOIS COMMERCE COMMISSION

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telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring, and the office line termination.

"NSF Check" – any negotiable instrument returned by a bank, savings institution, or other eligible institution that which is returned by that institution with one of the following instructions:

- . not sufficient funds;
- . uncollectible funds;
- . account closed;
- . account frozen;
- . no account.

"Person" – a natural person, firm, partnership, corporation, association, municipality, cooperative, organization, governmental agency, real estate trust, or other legal entity.

"Residential Service" – telephone service where the major use of the service is of a social or domestic nature and business use, if any, is merely incidental; and where the service is located in a residence or, in the case of combined business and residential premises, where the service is located in bona fide residential quarters of thesueh premises and business service is located in the business quarters of the same premises, and as further defined in the Company's tariffs.

"Termination" – permanent disconnection of telecommunications service.

"User" – any person who uses telecommunications service provided by a company under the jurisdiction of the Illinois Commerce Commission.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 735.30 Scope and Application**

- a) This Part shall apply to all telephone companies under the jurisdiction of the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

~~Illinois Commerce~~ Commission in the offering or providing of noncompetitive telecommunications services as defined in Section 13-210 of the Act and shall regulate the:

- 1) establishment of procedures governing eligibility for service, billing, deposits, and payment practices; and
- 2) establishment of conditions under which service may be discontinued or terminated.

b) A telephone company that is an electing provider shall comply with this Part when offering or providing the optional packages required by Section 13-506.2(d) of the Act or stand-alone residential network access lines.

cb) Except as ~~hereinafter~~ otherwise provided in this Section, this Part sets forth the minimum general requirements and shall apply to any telecommunications carrier as public utility defined as such by ~~the~~The Illinois Public Utilities Act ~~that, which is now or hereafter may be~~ engaged in providing noncompetitive telecommunications telephone service and ~~that~~which comes under the jurisdiction of the Commission, provided that this Part also applies to electing providers only with respect to the offering or provision of the optional packages required by Section 13-506.2(d) of the Act and stand-alone residential network access lines.

de) This Part shall supersede any rate, rule, regulation or condition of service ~~that~~which any telephone utility presently has on file with the Commission. If any rate, rule, regulation or condition of service, or portion thereof, fails to meet the minimum general requirements in this Part, the utility shall refile ~~that~~sueh rate, rule, regulation, or condition of service to conform with the provisions of this Part within 90 days ~~after~~of its effective date. Any rate, rule, regulation, or condition of service, or portion thereof, ~~that~~which fails to meet the minimum general requirements in this Part shall be considered null and void 91 days after the effective date of this Part.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Managed Care Community Networks
- 2) Code Citation: 89 Ill. Adm. Code 143
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
143.300	Amendment
143.400	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: December 27, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 22, 2012; 36 Ill. Reg. 9045
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Language was added to Section 143.300(f) explaining how payment rates are determined.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: When the Managed Care Community Network (MCCN) financial requirements were established by rulemaking there were no MCCNs and reliance on capitated health plans was rather limited. However, there now is a large MCCN, with additional MCCNs potentially being formed, because of greater reliance on capitated health plans. The proposed amendments improve the resulting increased risk to the Department and individuals enrolled in a MCCN by requiring higher standards of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

minimum net worth and solvency for MCCNs, which proves to be less restrictive. Further, the proposed amendment eliminates the distinction between Cook County and other counties because risk is not based on geography. New language under subsection (e) explicitly allows for the Department to cease enrollment with a MCCN when its enrollment exceeds that which is set forth in its contract with HFS or its monthly capitation payment exceeds \$10,000,000; this is another effort to manage the potential risk to the Department and MCCN enrollees.

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

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> 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~~~~PUBLIC AID~~  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 143

## MANAGED CARE COMMUNITY NETWORKS

## Section

143.100	Definitions
143.200	Organizational Structure
143.300	General Provisions
143.400	Financial Requirements
143.500	Certification

AUTHORITY: Sections 5-11, 5-12 and 5-13 of the Illinois Public Aid Code [305 ILCS 5/5-11, 5-12 and 5-13].

SOURCE: Emergency Rules adopted at 23 Ill. Reg. 4292, effective March 26, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9865, effective August 3, 1999; amended at 37 Ill. Reg. 393, effective December 27, 2012.

**Section 143.300 General Provisions**

- a) The Department shall enter into contracts with MCCNs for the provision of medical care to eligible enrollees in accordance with Section 5-11 of the Illinois Public Aid Code [305 ILCS 5/5-11].
- b) The Department may limit the number of MCCNs with which it contracts and shall specify a maximum enrollment capacity per MCCN.
- c) Covered services to be provided or arranged by an MCCN shall be established in each MCCN's contract.
- d) The Department shall include, in every contract with an MCCN, language describing the sanctions that the Department may impose upon the MCCN for failure to comply with this Part or the terms and conditions of that contract.
  - 1) The contract shall provide for sanctions including, but not limited to, one or more of the following:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- A) Monetary sanctions established and assessed by the Department against the MCCN;
  - B) Freezing enrollment for a period to be determined by the Department;
  - C) Liquidated damages;
  - D) Disenrollment of enrollees;
  - E) Withholding all payments or any portion of a payment thereof due the MCCN; and
  - F) Any other sanctions that are deemed appropriate by the Department.
- 2) In addition to any sanctions, the Department shall have the right to terminate the contract with or without cause.
- e) To be certified as an MCCN by the Department, an MCCN must meet each of the following requirements:
- 1) An MCCN must execute a written contract with the Department.
  - 2) An MCCN must meet each of the requirements ~~as~~ set forth in the applicable federal and State statutes, regulations and, rules, this Part and ~~as defined in~~ the contract.
  - 3) An MCCN must maintain procedures for enrollee complaints as established in the contract with the Department. ~~The~~ ~~Such~~ procedures shall, at a minimum, meet the standards set forth in the Health Maintenance Organization Act [215 ILCS 125], ~~and~~ applicable rules, applicable federal law and ~~as described in~~ the contract. Those requirements shall include, but are not limited to, requirements that MCCNs maintain:
    - A) Procedures for registering and responding to complaints and grievances in a specified time;

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- B) Procedures for recording the substance of the complaints;
  - C) A method for monitoring complaints against providers; and coordinating this function with established grievance procedures; and
  - D) A method for tracking minor but regular complaints about specific providers that may be indicative of problems.
- 4) An MCCN must maintain a quality assurance and utilization review program. The Such procedures shall, at a minimum, meet the standards set forth in the Health Maintenance Organization Act [215 ILCS 125], applicable federal law, and as described in the contract. Requirements shall include, but are not limited to:
- A) The establishment of a quality assurance plan that satisfies any and all applicable State and federal statutory, regulatory, administrative, and policy requirements that address quality of care oversight in managed care;
  - B) Utilization and quality assurance monitoring and reporting;
  - C) The establishment of a peer review committee that is responsible for reviewing medical care provided, including issues involving conflicts of interest, and making recommendations for changes when problems are identified; and
  - D) Other quality assurance requirements that are established by the Department.
- f) The rates to be paid to MCCNs shall be established by the Department through its actuary and included in contracts. Rates shall be certified as actuarially sound in accordance with federal regulations.
- g) If the MCCN's enrollment exceeds the maximum enrollment capacity set forth in the contract or its monthly total capitation amount to be paid exceeds \$10,000,000, the Department may limit further enrollment capacity set forth in the contract so that the monthly total capitation amount does not exceed \$10,000,000. If the MCCN receives a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

certificate of authority to operate a health maintenance organization (HMO) from the Department of Insurance, then the Department may open enrollment to a level commensurate with the HMO's ability to serve the enrollees.

(Source: Amended at 37 Ill. Reg. 393, effective December 27, 2012)

**Section 143.400 Financial Requirements**

## a) Minimum Net Worth

~~Each~~ Except during the first contract year, each MCCN must have and maintain at all times a net worth ~~that meet~~ of at least five percent of the total annual capitated payments as calculated and based upon the MCCN's experience in its immediate prior fiscal year as evidenced by the most recent annual financial statement. ~~However, the net worth of an MCCN need not be greater than \$1,500,000 during any contract year. During the term of the contract,~~ the minimum net worth requirements as follows:

- 1) Prior to entering into the contract ~~and for the first six months of the first contract year~~, net worth shall be at least \$500,000.
  - A) ~~\$500,000 for MCCNs contracting in a county with a population of over three million, or~~
  - B) ~~\$125,000 for all other MCCNs.~~
- 2) For ~~the last six months of the first contract year and all subsequent contract years, net worth shall be the greater of;~~ net worth shall be at least:
  - A) ~~\$500,000; or \$750,000 for MCCNs contracting in a county with a population of over three million, or~~
  - B) two percent of the first \$120,000,000 in annual capitated payments plus one percent of the annual capitated payments in excess of \$120,000,000; or \$187,500 for all other MCCNs.
  - C) An amount equal to the sum of three months of uncovered health care expenditures as reported on the most recent quarterly report filed pursuant to subsection (d); or

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D) The sum of eight percent of the annual health care expenditures paid on a non-capitated basis to non-affiliated providers and four percent of the annual health care expenditures paid on a capitated basis to non-affiliated providers plus the annual health care expenditures paid on a non-capitated basis to affiliated providers. Annual health care expenditures that are paid on a capitated basis to affiliated providers are not included in this calculation of the net worth requirement (regardless of downstream arrangements from the affiliated provider). "Affiliated provider" as used in this Section has the same meaning as found at 42 CFR 422.354.

~~3) For the second and all subsequent contract years, net worth shall not be less than:~~

~~A) \$1,000,000 for MCCNs contracting in a county with a population of over three million, or~~

~~B) \$250,000 for all other MCCNs.~~

b) Determination of Net Worth

Net worth must be determined in accordance with generally accepted accounting principles (GAAP), subject to the limitations applicable to provider-sponsored organizations in the Medicare+Choice program (42 CFR 422.382), and may take into account certain provisions of the statutory accounting practices ~~as defined by the Health Maintenance Organization Act. Any solvency and financial standards set forth in the contract shall be no more restrictive than the standards applicable to provider-sponsored organizations in the Medicare+Choice program (42 CFR 422).~~ Each MCCN shall make available to the Department, upon the request of the Department at any time prior to entering into a contract or during the term of any ~~such~~ contract, documentation sufficient to enable the Department to verify or otherwise calculate the net worth of the MCCN. Sufficient~~Such~~ documentation includes, but is not limited to, audited financial statements, tax returns, and books and records establishing ~~such~~ net worth.

c) Solvency Standards

Solvency must be comprised of the following:

1) Prior to entering into the contract, at least \$250,000 of the minimum net

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

~~worth amount must be maintained in cash or cash equivalents and for the first six months of the first contract year:~~

~~A) At least \$250,000 of the minimum net worth amount must be maintained in cash or cash equivalents for MCCNs contracting in a county with a population of over three million, or~~

~~B) At least \$62,500 in cash and cash equivalents for all other MCCNs.~~

2) For ~~the last six months of the first contract year~~ and all subsequent contract years, the greater of:

A) At least ~~\$250,000~~\$375,000 of the minimum net worth amount ~~must be~~ maintained in cash or cash equivalents; ~~for MCCNs contracting in a county with a population of over three million, or~~

B) 40 percent of the minimum net worth amount in cash and cash equivalents. ~~At least \$93,750 in cash and cash equivalents for all other MCCNs.~~

~~3) For the second and all subsequent contract years:~~

~~A) The greater of \$750,000 or 40 percent of the minimum net worth amount must be maintained in cash or cash equivalents for MCCNs contracting in a county with a population of over three million, or~~

~~B) The greater of \$187,500 or 40 percent of the minimum net worth amount in cash and cash equivalents for all other MCCNs.~~

34) Each MCCN shall make adequate provisions against the risks of insolvency. Solvency of the MCCN must be guaranteed by guarantees or letters of credit from recognized financial institutions or by the establishment of escrow or trust accounts. Each MCCN must meet the deposit requirements established by 42 CFR 422.388. Each MCCN shall assure that enrollees are in no case held liable for debts of the MCCN in the event of an MCCN's insolvency.

d) Solvency Reporting Requirements

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Each MCCN shall make a written quarterly report to the Department establishing the state of the MCCN's solvency and whether ~~the~~<sup>sueh</sup> MCCN fails to meet, meets or exceeds the solvency requirements set forth in this Part. Upon request of the Department, each MCCN shall provide the Department with access to documentation sufficient to enable the Department to verify or otherwise calculate the solvency of the MCCN. ~~Sufficient~~<sup>Sueh</sup> documentation may include, but is not limited to, audited financial statements, tax returns, and books and records establishing such solvency.
  
- 2) An MCCN that falls below the requirements set forth in this Section, as determined by the Department, shall be provided with written notice by the Department of ~~that~~<sup>sueh</sup> failure. The MCCN shall have 30 days from the date of the notice to meet its net worth and/or solvency requirements. The MCCN must provide the Department, within that 30 day period, adequate documentation of its rehabilitation of the net worth and/or solvency. If the MCCN fails to rehabilitate its net worth and/or solvency within that 30 day period, the Department shall impose one or more sanctions, as described in Section 143.300(d)~~(1)~~, unless the Department extends the 30 day time period. ~~Extension~~<sup>Sueh-extension</sup> is at the discretion of the Department and the Department shall request the MCCN to show good cause why ~~an~~<sup>sueh</sup> extension should be granted. Nothing in this Part shall prohibit the Department from imposing any other sanctions available under this Part ~~or~~, the contract or at law after the expiration of the 30 day period.

- e) [Incorporation of Federal Requirements by Reference](#)  
[Any solvency and financial standards set forth in this Part or the contract shall be no more restrictive than the standards applicable to provider-sponsored organizations in the Medicare+Choice program \(42 CFR 422.382 through 422.390\). Those federal standards, except those less restrictive standards set forth at subsections \(a\)\(1\), \(a\)\(2\)\(A\), \(a\)\(2\)\(B\) and \(c\)\(2\)\(A\) of this Section are incorporated by reference as of the date specified, and do not include any later amendments or editions.](#)

(Source: Amended at 37 Ill. Reg. 393, effective December 27, 2012)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
148.800	New Section
148.810	New Section
148.820	New Section
148.830	New Section
148.840	New Section
148.850	New Section
148.860	New Section
148.870	New Section
148.880	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: December 27, 2012
- 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 the *Illinois Register*: September 7, 2012; 36 Ill. Reg. 13780
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made:  
  
In Section 148.800 changed the date from "October 1" to "December 1, 2012" and added "non-governmental" in front of "Community Connect IMD", and deleted the word "and" and added "or" after the word "gestures".  
  
In Section 148.810 in the definition of "Psychiatric emergency medical condition" deleted the word "and" and added "or".

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In subsection (a) of Section 148.820, deleted the word "~~and~~" and added "or".

In subsection (b) of Section 148.820, deleted the word "~~approved~~" and added "funded" after admissions, and changed "number approved" to "IMD number funded"

In subsection (d) of Section 148.830, deleted the word "~~approved~~" and added "funded".

In subsection (a) of Section 148.860, added "The remainder of the full 100%" and deleted "~~The initial payment may be increased by 20%~~". In the second sentence added "will be paid" after the word "rate".

In subsection (b) of Section 148.870, added "The remainder of the full 100%" and deleted "~~The initial payment may be increased by 20%~~", and added "will be paid" after the word "rate" and added "without further psychiatric hospitalization" after the word "community".

Other non-substantive changes were also made.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.70	Amendment	36 Ill. Reg. 8117; June 1, 2012

- 15) Summary and Purpose of Rulemaking: The Department is implementing rules for the Emergency Psychiatric Demonstration, which allows federal funding for hospital Institution for Mental Diseases (IMDs) for individuals that remain in the community for 45 days without subsequent psychiatric hospitalization. In addition to allowing the Department to pay for these hospital IMDs, the rule lays out the term of the project; sets the limitations of the project, individual eligibility, provider requirements, and the payment process.
- 16) Information and questions regarding this rulemaking shall be directed to:

Jeanette Badrov

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> 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 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

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- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

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- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements
- 148.402 Medicaid Eligibility Payments (Repealed)
- 148.404 Medicaid High Volume Adjustment Payments (Repealed)
- 148.406 Intensive Care Adjustment Payments (Repealed)
- 148.408 Trauma Center Adjustment Payments (Repealed)
- 148.410 Psychiatric Rate Adjustment Payments (Repealed)
- 148.412 Rehabilitation Adjustment Payments (Repealed)
- 148.414 Supplemental Tertiary Care Adjustment Payments (Repealed)
- 148.416 Crossover Percentage Adjustment Payments (Repealed)
- 148.418 Long Term Acute Care Hospital Adjustment Payments (Repealed)
- 148.420 Obstetrical Care Adjustment Payments (Repealed)
- 148.422 Outpatient Access Payments (Repealed)
- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
- 148.428 Rehabilitation Hospital Adjustment Payments (Repealed)
- 148.430 Perinatal Outpatient Adjustment Payments (Repealed)
- 148.432 Supplemental Psychiatric Adjustment Payments (Repealed)
- 148.434 Outpatient Community Access Adjustment Payments (Repealed)
- 148.440 High Volume Adjustment Payments
- 148.442 Inpatient Services Adjustment Payments
- 148.444 Capital Needs Payments
- 148.446 Obstetrical Care Payments
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- 148.452 Crossover Care Payments
- 148.454 Magnet Hospital Payments
- 148.456 Ambulatory Procedure Listing Increase Payments
- 148.458 General Provisions
- 148.460 Catastrophic Relief Payments
- 148.462 Hospital Medicaid Stimulus Payments

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- Section
- 148.500 Definitions
- 148.510 Reimbursement

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## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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

## SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

Section	
148.700	General Provisions

SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

<u>Section</u>	
<u>148.800</u>	<u>General Provisions</u>
<u>148.810</u>	<u>Definitions</u>
<u>148.820</u>	<u>Individual Eligibility for the Program</u>
<u>148.830</u>	<u>Providers Participating in the Program</u>
<u>148.840</u>	<u>Stabilization and Discharge Practices</u>
<u>148.850</u>	<u>Medication Management</u>
<u>148.860</u>	<u>Community Connect IMD Hospital Payment</u>
<u>148.870</u>	<u>Community Connect TCM Agency Payment</u>
<u>148.880</u>	<u>Program Reporting</u>

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

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

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15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency

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amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective

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January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill.

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Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; preemptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737 and emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 14, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendments to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment to Section 148.70(g) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 18976, effective December 12, 2012, through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012.

SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAMSection 148.800 General Provisions

This Subpart F is promulgated to establish an emergency psychiatric demonstration project (hereinafter referred to as the Program) to serve adults 21 through 64 years of age with specified mental illnesses. The State of Illinois was selected by the federal Centers for Medicare and Medicaid Services (CMMS) to establish the Program pursuant to the provisions of section 2707 of the federal Patient Protection and Affordable Care Act (PL 111-148) and subject to the terms of federal demonstration. The program, entitled Community Connect, shall be in effect from December 1, 2012 through June 30, 2015 or for the duration of federal funding should it end earlier. During that time period, participating non-governmental Community Connect IMD hospitals may receive Medicaid payment for providing EMTALA (Emergency Medical Treatment and Active Labor Act) related emergency services to Medicaid recipients 21 through 64 years of age who have expressed suicidal or homicidal thoughts or gestures or who are determined to be dangerous to themselves or others. The Program will promote an integrated approach to evidence-based community resources and emergency room and inpatient hospital care. The Program goals are to improve access to quality inpatient care, reduce unnecessary

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admissions and readmissions, reduce psychiatric boarding, and enhance coordination of services with community mental health centers. The Department will assess the results of the Program during and at the end of the demonstration. The assessment will be the basis to guide changes for the larger adult population with mental illness, such as potential restructuring of mental health targeted case management; potential adult screening of persons with mental illness presenting for psychiatric hospitalization; potential payment and incentive policies; and potential broad implementation of improved interventions by the hospital and community.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.810 Definitions**

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

"Community Connect Targeted Case Management Agency" or "Community Connect TCM Agency" means the community mental health center that will act as the crisis team, determination of appropriate level of care agent, linkage agent and care coordination entity for participants in the Emergency Psychiatric Demonstration Program.

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

"Emergency Psychiatric Demonstration Program" or "Program" means the program under which psychiatric hospitals, general hospitals, and community mental health providers will work to develop new service models to increase the overall quality of service delivery to participants with a psychiatric emergency medical condition.

"EMTALA" means the federal Emergency Medical Treatment and Active Labor Act (42 USC 1395dd) that requires any hospital that accepts payments from Medicare to provide care to any patient who arrives in its emergency department for treatment, regardless of the patient's citizenship, legal status in the United States or ability to pay for the services. EMTALA applies to ambulance and hospital care.

"IMD" means an institution for mental disease and is defined as a hospital, nursing facility, or other institution of 17 or more beds that is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases.

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including medical attention, nursing care and related services. As used in this Subpart, IMD refers to a hospital.

"IMR" means Illness Management and Recovery and is an evidence-based psychiatric rehabilitation practice. The primary aim of the IMR is to empower consumers to manage their illnesses, find their own goals for recovery, and make informed decisions about their treatment through the necessary knowledge and skills.

"Psychiatric Emergency Medical Condition" means a condition in which an individual is expressing suicidal or homicidal thoughts or gestures or is dangerous to self or others.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.820 Individual Eligibility for the Program**

- a) For the purposes of this Subpart, only Medicaid eligible individuals 21 through 64 years of age, with a serious mental illness, who present at a participating or partnering hospital with suicidal or homicidal thoughts or gestures, or who are a danger to self or others, will be eligible to participate. Individuals enrolled in a care coordination program [305 ILCS 5/5-30], as well as those individuals who have Medicare coverage, are excluded from participation.
- b) Participation shall also be limited to the maximum number of IMD admissions funded by CMMS and the number of deflections to community services before reaching the maximum IMD number funded as provided in the supplemental provider agreement.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.830 Providers Participating in the Program**

- a) Hospitals that may participate in the Program are limited to those included in the funded demonstration application. A hospital participating in the Program will be designated a Community Connect IMD hospital.

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- b) In order to participate in the Program, the Community Connect IMD hospital must comply with all of the Department rules, policies and licensure requirements and, additionally, must meet each of the following criteria:
- 1) Establish a Network Guidance Group consisting of a representative from each of the following: Illinois Department of Healthcare and Family Services; Illinois Department of Human Services-Division of Mental Health; the Community Connect IMD hospital; the Community Connect TCM agency; and representatives from participating emergency departments, local law enforcement, consumers, and other individuals as determined by the Community Connect IMD hospital. The Network Guidance Group shall meet at least quarterly to review the Program operations.
  - 2) Accept Community Connect eligible participants on a priority basis.
  - 3) Include the Community Connect TCM agency in staffing and discharge planning.
  - 4) Not discharge Community Connect participants unless a discharge plan ensures the patient has a place to go and appropriate services will be implemented.
  - 5) Establish a collaborative working relationship with a dedicated community mental health center to function as the Community Connect TCM agency.
  - 6) Contact the Community Connect TCM agency to perform a level of care assessment prior to admission.
  - 7) Update the collaborating Community Connect TCM agency on bed census every day.
  - 8) Enter into a supplemental provider agreement with the Department.
- c) In selecting hospitals for the Program, the Department may consider other factors beyond the criteria in subsection (b), including, but not limited to, the facility's history of compliance with all applicable State and federal standards.

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- d) Each Community Connect IMD hospital will partner with a general acute care hospital. The general acute care hospital will identify individuals who present in a psychiatric emergency medical condition. The number of individuals to be admitted to a Community Connect IMD hospital under the Program will be the number in the supplemental provider agreement. The maximum number allowed for all Community Connect IMD hospitals shall not exceed the number of individuals funded by CMMS for the Program.
- e) A Community Connect TCM agency shall be chosen for each Community Connect IMD hospital. A Community Connect TCM agency will be chosen from the pool of qualified community mental health centers in the vicinity of the Community Connect IMD hospital and required to enter into supplemental provider agreements with the Department. The agencies are responsible for providing crisis intervention services for Medicaid eligible individuals presenting at a participating Community Connect IMD hospital or partner hospital. Crisis intervention shall include determination of appropriate level of care and potential stabilization of the individual. For those individuals who are determined to be appropriate for community stabilization, the Community Connect TCM agency shall be responsible for ensuring that the participant has priority access to community services within 24 hours after stabilization. For those participants found to be appropriate for inpatient treatment and admitted to the Community Connect IMD hospital, the Community Connect TCM agency is responsible for a seamless transition for the individual from the Community Connect IMD hospital IMR treatment setting to the community mental health center IMR treatment setting. Prior to discharge, at the point of discharge, and for up to 60 days following the level of care assessment, the Community Connect TCM agency shall act as the linkage agent, assisting the individual to connect to all available needed resources.
- f) Certified community mental health center providers who have agreed to provisions of the Program, as defined in a linkage agreement with the Community Connect TCM agency, will be a choice for community-based treatment to the individual after inpatient discharge, or after the individual is deflected from the emergency department to community services.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.840 Stabilization and Discharge Practices**

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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The admitting hospital must establish a stabilization plan for the individual within 48 hours after admission. To ensure continuity of treatment services, a participating Community Connect IMD hospital will not discharge an individual unless the discharge plan ensures the individual has a place to go and appropriate services will be implemented.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.850 Medication Management**

On the day of discharge from an inpatient admission, the Community Connect TCM agency will ensure the individual accesses a 30-day supply of medically necessary medication to ensure continuity of this aspect of treatment and medication adherence.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.860 Community Connect IMD Hospital Payment**

- a) The Community Connect IMD hospital in the demonstration program will be reimbursed on an incentive-driven basis. The Department will reimburse the initial claim for the psychiatric admission at 80% of the psychiatric hospital rate. The remainder of the full 100% of the psychiatric hospital rate will be paid if the individual remains stable in the community with no further psychiatric hospitalization for 45 days after the level of care assessment.
- b) Payment for any individual who cannot be discharged because the individual does not have a place to go and appropriate services cannot be implemented, but who is not an inpatient based on medical necessity, will be 50% of the alternate cost per diem rate as described in Section 148.270 and 89 Ill. Adm. Code 152.200.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.870 Community Connect TCM Agency Payment**

- a) The Community Connect TCM agency monthly reimbursement rate for each individual will be established in the supplemental provider agreement.
- b) The Community Connect TCM agency will be reimbursed on an incentive driven basis for each individual each month. The Department will reimburse the initial claim at 80% of the individual per month rate. The remainder of the full 100% of

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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the individual per month rate will be paid if the individual deflected to community services or hospitalized at the Community Connect IMD remains stable in the community without further psychiatric hospitalization for 45 days after the level of care assessment.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

**Section 148.880 Program Reporting**

Each Community Connect IMD and each Community Connect TCM agency will submit periodic reports to the Department in the form and format specified by the Department.

(Source: Added at 37 Ill. Reg. 402, effective December 27, 2012)

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number:      Adopted Action:  
250.50                      Amend
- 4) Statutory Authority: 110 ILCS 70
- 5) Effective Date of Amendment: December 26, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 28, 2012; 36 Ill. Reg. 14500
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between Proposal and Final Version:  
  
In Sections 250.50(b), (d), (f), and (g) the period was deleted at the end of each line.  
  
In Section 250.50(c), line 3 "AN ACT to create" was deleted; in line 4 "System" was replaced with "Act"; and in line 12 "which" was replaced with "that".  
  
In Section 250.50(f)(3), line 3, a comma was added after "changed if"; in line 4, a comma was added after "Executive Director"; and in line 5, the semi-colon after "System" was deleted and replaced with a comma.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- 14) Are there any proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.30	Amend	March 9, 2012; 36 Ill. Reg. 3840

- 15) Summary and Purpose of Amendment: In Sections 250.50(b) through (g) the adopted amendments are for minor, technical changes. In Section 250.50(h) the adopted amendment is to bring the retention timeframe of the examination materials in compliance with the local employers' and the State Universities Civil Service System approved Records Retention Policies, which were created pursuant to the State Records Act.

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

Abby K. Daniels  
Manager, Legal Services and Legal Counsel  
State Universities Civil Service System  
1717 Philo Road, Suite 24  
Urbana, IL 61802

217/278-3150, ext. 226  
Email: [abbyd@succs.state.il.us](mailto:abbyd@succs.state.il.us)

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

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## PART 250

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

## NOTICE OF ADOPTED AMENDMENT

1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012.

**Section 250.50 Examinations**

- a) Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations.
- b) Eligibility to Compete in Examinations:
  - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to ~~thesueh~~ examination. For classes requiring valid licenses or certificates, an applicant must show possession of ~~thesueh~~ license or certificate at, or prior to, time of taking the examination.
  - 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
  - 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications ~~that~~which in the opinion of the Executive Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all ~~such~~ applicants who pass the examination shall be placed on the appropriate register in order of score.
  - 4) In the absence of a name of a candidate on any existing register for a class,

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.

- 5) An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Executive Director, be declared exempt from qualifying on ~~the such~~ failed section or sections of the examination, in which case he/she shall become a status employee in the position in which he/she has been employed or in another position in the same class.
  - 6) For classes requiring technical qualifications for which there is an inadequate supply of qualified applicants who are citizens of, or residents in, the State of Illinois, out-of-state residents may be admitted to the examination. When the citizenship or residency requirement is waived, in-state candidates shall be listed on the register ahead of out-of-state candidates.
  - 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
    - A) For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
    - B) The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing ~~or stenographic~~ sections of an examination.
- c) Rejection or Disqualification of Applicants. The employer may reject any

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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applicant, or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of ~~AN ACT to create~~ the State Universities Civil Service ~~Act~~System [110 ILCS 70/36f](~~Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b5~~) and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, uses intoxicating beverages to excess, uses narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment by an employer under the University~~State Universities Civil Service~~ System (~~System~~), has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense ~~that which~~ in the judgment of the Executive Director disqualifies him/her for employment.

## d) Character of Examinations:

- 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and training.
- 2) All examination content shall be provided by the staff of the University System.
- 3) All examination supplies and materials and all examinations are the property of the University System.
- 4) An original entry or promotional examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing ~~thesueh~~ revision does not change the character or weighting of sections of the examination.
- 5) The character or weighting of sections of an original entry or promotional examination may be changed, with the approval of the Executive Director, providing that there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument; and providing, further, that ~~thesueh~~ character or weighting of the examination has been in use for a period of at least one year; and providing, further, that 45 days advance notice of ~~thesueh~~ change shall be given to all appropriate employers who shall then communicate ~~thesueh~~ notice in writing to each candidate then

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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on an original entry or promotional register by score and shall further communicate ~~thesueh~~ notice in writing to any applicant who applies for an original entry or promotional examination during ~~thesueh~~ 45-day period. During the 45-day period, qualified applicants (including candidates whose names are already on the register by score), at their request, will be scheduled for the examination. At the end of the 45-day period the original entry or promotional registers of candidates by score will be voided, and new original entry or promotional registers by score shall be established on the basis of the new examination.

- e) Administration of Examinations. As approved by the Executive Director, examinations shall be scheduled and administered by the employer. ~~TheSueh~~ examinations shall be conducted on an open and continuous basis, except for examinations to original entry registers at each place of employment, as requested by the employer and approved by the Executive Director, that have a sufficient number of candidates on the register ~~thatwhich~~ preclude further recruitment and testing. In making a determination to reopen (or close) an examination, the Executive Director will consider requests by the employer or other individuals based on the number of positions in the class, projected new positions, and annual turnover rate. Also, for examinations that have been closed for six months or more, the Executive Director will review the need for continuing the approval of a closed examination. The employer shall be responsible for the security of all examination materials supplied to the employer by the University System so long as they are in the employer's custody.
- f) Rating of Examinations-
- 1) The Executive Director and ~~thehis~~ staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
  - 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions ~~of the examinationthereof~~. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum

## STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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acceptable rating.

- 3) The passing score for eligibility for certification shall be determined by the Executive Director. This score shall be the same for all examinations given for a class, but it may be changed if, in ~~the~~his judgment ~~of the~~ Executive Director, ~~the~~such change is for the best interest of the University System; and ~~the~~such change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
  - 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
  - 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- g) Notification and Review of Scores-
- 1) An applicant shall be sent a written notice of the date and results of his/her examination. ~~The~~Such notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
  - 2) All requests of applicants for review of scores shall be made to the Executive Director.
- h) Filing of Examination Records. All ~~administered~~ examinations, and all examination components, administered given by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy ~~for at least a period of two months after date of scoring the examination.~~

(Source: Amended at 37 Ill. Reg. 419, effective December 26, 2012)

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Freedom of Information (2 Ill. Adm. Code 851)

1) Rulemaking:

- A) Description: This amendment is necessary to bring DOC FOIA rulemaking into compliance with current FOIA legislation.
- B) Statutory Authority: 5 ILCS 100/5-15 and 140/1
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Reimbursement for Expenses (20 Ill. Adm. Code 110)

1) Rulemaking:

- A) Description: This amendment is necessary to provide corrected language for sentence credit as set forth by PA 97-0697.

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

- B) Statutory Authority: 730 ILCS 5/3-7-6 and 3-2-2
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- 217/558-2200, ext. 6507
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Healthcare (20 Ill. Adm. Code 415)
- 1) Rulemaking:
- A) Description: This amendment is necessary to comply with PA 97-0323.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-2, 3-7-2, 3-8-2, 3-10-2, 3-10-3, and 5-2-6
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- 217/558-2200, ext. 6507
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Assignment of Committed Persons (20 Ill. Adm. Code 420)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to provide corrected language for sentence credit as set forth by PA 97-0697 and to ensure proper awards for successful completion of programs and assignments.
- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-6-3, 3-8-3, and 3-10-3
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Impact Incarceration Program (20 Ill. Adm. Code 460)1) Rulemaking:

A) Description: This rulemaking is necessary to provide corrected language for sentence credit at set forth by PA 97-0697.

B) Statutory Authority: 730 ILCS 5/3-2-2 and 5-8-1.1

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Release of Committed Persons (20 Ill. Adm. Code 470)

1) Rulemaking:

A) Description: This rulemaking is necessary to include the requirement for notification of no less than 14 days prior to release of any offender released early due to an award of supplemental sentence credit.

B) Statutory Authority: 730 ILCS 5/3-2-2, 3-14-1, 3-14-2, and 3-14-3

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Security (20 Ill. Adm. Code 501)

1) Rulemaking:

A) Description: This amendment is necessary to implement the Director's position that only persons of the same gender as the offender may perform or observe strip searches of offenders and to clarify that canine searches can not be performed on humans.

B) Statutory Authority: 720 ILCS 5/7-1, 7-3, 7-9, and 31A-1.1; 725 ILCS 5/103-1 et seq.; and 730 ILCS 5/3-2-2, 3-4-3, 3-6-2, 3-6-4, 3-7-2, 3-7-4, 3-8-1, 3-8-7, 3-8-8, and 3-10-8

C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.

D) Date agency anticipates First Notice: On or before July 1, 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

h) Part(s) (Heading and Code Citation): Discipline and Grievances (20 Ill. Adm. Code 504)1) Rulemaking:

- A) Description: This rulemaking is necessary to provide corrected language for sentence credit as set forth by PA 97-0697.
- B) Statutory Authority: 42 USC 12101 et seq., and 730 ILCS 5/3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-or-profit corporations: None
- F) Agency contact person for information:

Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277

217/558-2200, ext. 6507

- G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Rights and Privileges (20 Ill. Adm. Code 525)1) Rulemaking:

- A) Description: This rulemaking is necessary to comply with PA 96-1513.

## DEPARTMENT OF CORRECTIONS

## JANUARY 2013 REGULATORY AGENDA

- B) Statutory Authority: 730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9
- C) Schedule meeting/hearing date: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions that will be indicated on the Notice.
- D) Date agency anticipates First Notice: On or before July 1, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Echo Beekman, Acting Rules Coordinator  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277
- 217/558-2200, ext. 6507
- G) Related rulemakings and other pertinent information: None

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JANUARY 2013 REGULATORY AGENDA

- a) Parts(s) (Heading and Code Citation): General Procedures (80 Ill. Adm. Code 1100)
- 1) Rulemaking:
- A) Description: This rulemaking will provide for the attendance of Board Members at Board meetings by video or audio conferencing when that Board Member cannot be physically present. This rulemaking will provide procedures for members of the public to address the Board during the open session of Board meetings. This rulemaking will also provide procedures for persons to record the open portions of Board meetings.
- B) Statutory Authority: 5 ILCS 120/2.05, 120/2.06, 120/7; 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103
- 312/793-3170  
Email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking is intended to meet requirements of the Open Meetings Act.
- b) Parts(s) (Heading and Code Citation): Collective Bargaining and Impasse Resolution (80 Ill. Adm. Code 1130)
- 1) Rulemaking:

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JANUARY 2013 REGULATORY AGENDA

- A) Description: This rulemaking will address the new public posting and strike procedures in the Illinois Educational Labor Relations Act. This rulemaking will contain procedures for initiating the public posting process and for notifying the Illinois Educational Labor Relations Board (IELRB) of offers, cost summaries, the fact that an agreement has been ratified and other pertinent information. This rulemaking will provide that offers, cost summaries and the other information will be removed from the IELRB's website once the IELRB has been notified by the parties that an agreement has been ratified. This rulemaking will make clear that only public school districts, or combinations of public school districts, that are not organized under Article 34 of the School Code and the unions which bargain with those school districts, and not other educational employers, are required to initiate the public posting process or to submit offers, cost summaries, and the other pertinent information. This rulemaking will eliminate the distinctions between bargaining units that contain professional instructional personnel and units that do not. This rulemaking will remove references to 15 day notices and a 15 day period for the IELRB to automatically invoke mediation, and make the existing Sections on notices and timetable for bargaining and on mediation internally consistent and consistent with the Illinois Educational Labor Relations Act. This rulemaking will add or change some language on when employees may engage in strikes. This rulemaking will provide for the fact that there is not a regional superintendent in all cases. This rulemaking will provide separate procedures for school districts organized under Article 34 of the School Code and the representatives of their employees consistent with the recent amendments to the Illinois Educational Labor Relations Act and make clear that the fact-finding panel must release its report for publication promptly.
- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JANUARY 2013 REGULATORY AGENDA

F) Agency contact person for information:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103

312/793-3170

Email: Susan.Willenborg@illinois.gov

G) Related rulemakings and other pertinent information: This rulemaking is intended to address the new impasse and strike procedures in the Illinois Educational Labor Relations Act.c) Part(s) (Heading and Code Citation): University of Illinois Bargaining Units (80 Ill. Adm. Code 1135)1) Rulemaking:

A) Description: This rulemaking will create separate presumptively appropriate bargaining units for tenured and tenure-track faculty and for nontenure-track faculty at each campus of the University of Illinois. The presumptively appropriate bargaining units for nontenure-track faculty will conform to the unit certified in *Board of Trustees of the University of Illinois at Chicago*, Case No. 2012-RC-0009-C (June 28, 2012). There will not be separate presumptively appropriate bargaining units for tenured and tenure-track faculty and for nontenure-track faculty at the University of Illinois' professional schools. This rulemaking will create presumptively appropriate faculty bargaining units for the Springfield campus of the University of Illinois only with respect to faculty.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: March 2013

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JANUARY 2013 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103

312/793-3170

Email: Susan.Willenborg@illinois.gov

G) Related rulemakings and other pertinent information: This rulemaking is in response to the March 22, 2012 decision of the Illinois Appellate Court in *Board of Trustees of University of Illinois v. IELRB*, 2012 Ill.App.3d 110, 966 N.E.2d 1239 (4<sup>th</sup> Dist. 2012) determining that the sole appropriate bargaining unit for tenured and tenure-track faculty at each campus at the University of Illinois must be comprised exclusively of all the nonsupervisory tenured and tenure-track faculty at the campus who were employed more than half-time (except for the college of medicine, the college of pharmacy, the college of dentistry, the college of law, and the college of veterinary medicine, each of which would have its own separate unit), and that non-tenure track faculty must be excluded from the unit. After the IELRB adopted its Rules concerning appropriate bargaining units at the University of Illinois, Sangamon State University was changed into the University of Illinois at Springfield.

d) Parts(s) (Heading and Code Citation): Representation Procedures (80 Ill. Adm. Code 1110)

1) Rulemaking:

A) Description: This rulemaking will provide for a period for posting the notice of the petition in majority interest cases.

B) Statutory Authority: 115 ILCS 5/5(i), 5/9

## ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

## JANUARY 2013 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Susan Willenborg  
Illinois Educational Labor Relations Board  
160 N. LaSalle Street, Suite N-400  
Chicago, Illinois 60601-3103
- 312/793-3170  
Email: Susan.Willenborg@illinois.gov
- G) Related rulemakings and other pertinent information: This rulemaking is intended to address a concern that has arisen in processing majority interest cases that there is no stated period for the notice to be posted.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

**I. DIVISION OF BANKING**

- a) Part(s) (Heading and Code Citation): Lending Limits (38 Ill. Adm. Code 330)
- 1) Rulemaking:
- A) Description: These proposed rulemakings will authorize state chartered banks and state chartered savings banks to engage in derivative transactions and complies with Section 611 of the Dodd-Frank Act (12 USC 1828(y)) which prohibits state chartered banks from engaging in derivative transactions after January 21, 2013, unless otherwise authorized by the law of the State where the bank is chartered.
- B) Statutory Authority: Implementing Section 32 and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/32 and 48(6)] and Section 6013 and Section 9002 of the Savings Bank Act [205 ILCS 205/6013 and 9002]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813  
Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

**II. DIVISION OF PROFESSIONAL REGULATION**

a) Part(s) (Heading and Code Citation): Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: Illinois Athletic Trainers Practice Act [225 ILCS 5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed athletic trainers may be affected.

F) Agency contact person for information:

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

217/785-0813

Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- A) Description: Various sections may be amended to address changes as a result of PA 97-706, the sunset reauthorization of the Act. Technical clean-up changes may also be made.
- B) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: June 2013
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors may be affected.
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

1) Rulemaking:

- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Those licensees providing the services of environmental health practitioners may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813  
Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)
- 1) Rulemaking:
- A) Description: Various sections may be amended to address changes as a result of PA 97-1130, the sunset reauthorization of the Act. Technical clean-up changes may also be made.
- B) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: April 2013

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed funeral directors and embalmers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will be needed.

B) Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed geologists may be affected.

F) Agency contact person for information:

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

Springfield, IL 62786

217/785-0813

Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Home Medical Equipment and Services Provider License Act (68 Ill. Adm. Code 1253)
- 1) Rulemaking:
- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will be needed.
- B) Statutory Authority: Home Medical Equipment and Services Provider License Act [225 ILCS 51]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed home medical equipment providers may be affected.
- F) Agency contact person for information:

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

217/785-0813

Fax: 217/557-4451

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Interior Design Profession Title Act (68 Ill. Adm. Code 1255)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: Interior Design Profession Title Act [225 ILCS 310]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed interior design professionals may be affected.

F) Agency contact person for information:

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

217/785-0813

Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Mail Order Contact Lens Act (68 Ill. Adm. Code 1215)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- B) Statutory Authority: Mail Order Contact Lens Act [225 ILCS 83]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed mail order ophthalmic providers may be affected.
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Massage Licensing Act (68 Ill Adm. Code 1284)

1) Rulemaking:

- A) Description: Various sections may be amended to address changes as a result of PA 97-514, the sunset reauthorization of the Act.
- B) Statutory Authority: Massage Licensing Act [225 ILCS 57]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: March 2013

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed massage therapists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813  
Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)
- 1) Rulemaking:
- A) Description: Various sections may be amended as a result of PA 97-622, including implementation of a fingerprinting requirement. Technical clean up changes may also be made.
- B) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Those licensed to practice medicine as well as entities conducting business within the medical field may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786

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

- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Naprapathic Practice Act (68 Ill. Adm. Code 1295)

1) Rulemaking:

- A) Description: Various sections may be amended to address changes as a result of PA 97-778, the sunset reauthorization of the Act. Also, technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: Naprapathic Practice Act [225 ILCS 63]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed naprapaths may be affected.
- F) Agency contact person for information:

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Nurse Practice Act (68 Ill Adm. Code 1300)

1) Rulemaking:

A) Description: Rules relating to licensure via endorsement for registered nurses will be promulgated.

B) Statutory Authority: Nurse Practice Act [225 ILCS 65]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: June 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: Individuals applying for licensure or licensed under this Act may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- A) Description: Technical clean-up changes may be made, including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Nursing home administrators may be affected.
- F) Agency contact person for information:

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

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

- G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Perfusionist Practice Act (68 Ill. Adm. Code 1335)

1) Rulemaking:

- A) Description: Various sections may be amended as a result of PA 96-682, the sunset reauthorization of the Act. Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be made.
- B) Statutory Authority: Illinois Perfusionist Practice Act [225 ILCS 125]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed perfusionists may be affected.
- F) Agency contact person for information:  

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

217/785-0813  
Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Illinois Physical Therapy Practice Act (68 Ill. Adm. Code 1340)
  - 1) Rulemaking:
    - A) Description: Technical clean up including language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
    - B) Statutory Authority: Illinois Physical Therapy Practice Act [225 ILCS 90]
    - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
    - D) Date agency anticipates First Notice: February 2013
    - E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed physical therapists may be affected.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: Nonep) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)1) Rulemaking:

A) Description: Clarification may be added pertaining to scope of practice; technical clean-up changes may also be made.

B) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed respiratory care practitioners may be affected.

F) Agency contact person for information:

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2013 REGULATORY AGENDA

217/785-0813

Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 Ill. Adm. Code 1485)
- 1) Rulemaking:
- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed surgical assistants and surgical technologists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786
- 217/785-0813  
Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

## ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Required Registration of Health Information Service Providers; 77 Il. Admin. Code 4000
- 1) Rulemaking:
- A) Description: The proposed rulemaking will require all Health Information Service Providers (HISPs) and all Health Information Exchanges (HIEs) operating within Illinois to register with the Health Information Exchange Authority. The proposed rulemaking will establish procedures and requirements for the registration of local Health Information Exchanges operating in Illinois. The proposed rulemaking will set minimum standards for Health Information Service Providers (HISPs) and Health Information Exchanges (HIEs) operating within Illinois in regards to functionality, security, privacy, and other subject areas. The proposed rulemaking will adopt standards for participation agreements between the Illinois Health Information Exchange Authority and participants in the ILHIE including: health care providers, laboratories, pharmacies, health care payers, and local Health Information Exchanges (HIEs). The proposed rulemaking will set technical and other requirements for participants in the ILHIE, including Health Information Exchanges (HIEs) operating within Illinois, to connect to the Illinois Health Information Exchange. The proposed rulemaking will determine what specific patient consent requirements may be required for specific types of disclosures of patient health information involving the ILHIE. The proposed rulemaking would determine the nature and amount of fees, charges, costs, and/or expenses to be collected by or on behalf of the Illinois Health Information Exchange Authority from any healthcare provider or other entity in connection with the operation of the Illinois Health Information Exchange
- B) Statutory Authority: Section 20 of the Illinois Health Information Exchange and Technology Act [20 ILCS 3860/20.2]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled any further meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Spring 2013

## ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business, small municipality, or not for profit corporation that qualifies as a HISP or as a local HIE operating in Illinois would be subject to the registration requirement. Any small business, small municipality, or not for profit corporation that qualifies as a local HIE operating in Illinois would be subject to these procedures. Any small business, small municipality, or not for profit corporation that qualifies as a HISP or as a HIE operating in Illinois would be subject to the requirements. Any small business, small municipality, or not for profit corporation that wishes to participate in the ILHIE would have to enter into a participation agreement with the Illinois Health Information Exchange Authority. Any small business, small municipality, or not for profit corporation that wishes to participate in the ILHIE would be subject to these requirements. Any small business, small municipality, or not for profit corporation that either inputs patient information into the Illinois Health Information Exchange, withdraws information from the Illinois Health Information Exchange, or otherwise acts as a custodian of protected health information involving the ILHIE will be required to follow the patient consent rules.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Mark Chudzinski  
General Counsel  
Illinois Health Information Exchange Authority  
JRTC 100 W. Randolph, Suite 2-201  
Chicago, Illinois 60601
- 312-814-1600  
Mark.Chudzinski@illinois.gov
- G) Related rulemakings and other pertinent information: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program (47 Ill Adm. Code 220)

1) Rulemaking:

A) Description: Repeal the rule as such rule is no longer being used to run an active program at the Authority and a similar program is being run by a subsequent rule.

B) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Amanda Carone  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611

312/836-5214

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program II (47 Ill. Adm. Code 250)

1) Rulemaking:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

- A) Description: Repeal the rule as such rule is no longer being used to run an active program at the Authority and a similar program is being run by a subsequent rule.
- B) Statutory Authority: Sections 7.19 and 7.23 of the Illinois Housing Development Act (Ill. Rev. Stat. 1981, ch. 67-1/2, pars. 307.19 and 307.23) [20 ILCS 3805/7.19 and 723].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: August 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Amanda Carone  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611

312/836-5214

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Access to Public Records of the Illinois Housing Development Authority (2 Ill. Adm. Code 1976)

1) Rulemaking:

- A) Description: Amend various Sections to conform with the updated FOIA law.
- B) Statutory Authority: Section 3 of the Illinois Freedom of Information Act [5 ILCS 140/3]

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October, 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Amanda Carone  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611

312/836-5214

- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Rental Housing Support Program 47 Ill. Adm. Code 380

- 1) Rulemaking:
  - A) Description: Amend various Sections to conform with recently passed legislation.
  - B) Statutory Authority: Rental Housing Support Act [310 ILCS 105] and Illinois Housing Development Act [20 ILCS 3805/12].
  - C) Scheduled meeting/hearing dates: None
  - D) Date agency anticipates First Notice: October 2013
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
  - F) Agency contact person for information:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2013 REGULATORY AGENDA

Amanda Carone  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611

312/836-5214

- G) Related rulemakings and other pertinent information: Rental Housing Support Program (47 Ill. Adm. Code 380)
- e) Part(s) (Heading and Code Citation): Abandoned Properties Program (47 Ill. Adm. Code 381)
- 1) Rulemaking:
- A) Description: Adopt the rules for the administration, operation, and maintenance of the Abandoned Properties Program whereby grants will be made to municipalities to assist with removal costs and securing or enclosing costs incurred by the municipality pursuant to Section 11-20-15.1 of the Illinois Municipal Code, as approved by the Authority under the program."
- B) Statutory Authority: Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.31 of the Illinois Housing Development Act [20 ILCS 3805/7.31].
- C) Scheduled meeting/hearing dates: February 5, 2013
- D) Date agency anticipates First Notice: March 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Amanda Carone  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700

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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2013 REGULATORY AGENDA

Chicago, IL 60611

312/836-5214

G) Related rulemakings and other pertinent information: None

## HUMAN RIGHTS COMMISSION

## JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procedural Rules (56 Ill. Adm. Code 5300).

1) Rulemaking:

A) Description: Pursuant to P.A. 96-876 effective 02/02/10, clarifies a respondent's rights upon receipt of a notice of default issued by the Department, explains the rights of the Complainant after the Commission grants a Petition for Default, expands the timeline for complainant to request the Commission review a notice of dismissal of a charge issued by the Department, limit the number of pages for Request for Review. Pursuant to 5 ILCS 120/2.06 (g) of the Open Meetings Act, clarifies accessibility of Commission meetings to the public.

B) Statutory Authority: Authorized by Sections 8-102(E) of the Illinois Human Rights Act [775 ILCS 8-102(E)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: During the next six months.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Evelio Mora  
Assistant General Counsel  
Illinois Human Rights Commission  
100 W. Randolph St., Ste. 5-100  
Chicago, IL 60601

312/814-1914  
TTY 312/814-4760

G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF INSURANCE

## JANUARY 2013 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Long-Term Care Insurance (50 Ill. Adm. Code 2012)
- 1) Rulemaking:
- A) Description: The Department of Health Care and Family Services has passed a rule which will allow the establishment of Long Term Care Partnership Policies to be sold in Illinois. In order to establish the program, the Department of Insurance will need to revise its rule to allow for policies to meet the requirements of the Partnership Program.
- B) Statutory Authority: 215 ILCS 5/351A and 215 ILCS 132
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Yvonne Clearwater, Acting Assistant Deputy  
Health Products Compliance Section  
Illinois Department of Insurance  
320 West Washington St. 5<sup>th</sup> Floor  
Springfield, IL 62767-0001
- 217/785-5987  
Yvonne.clearwater@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citations): Assigned Risk Procedures (50 Ill. Adm. Code 2904)
- 1) Rulemaking:
- A) Description: The rule is being amended to update or eliminate obsolete references.

## DEPARTMENT OF INSURANCE

## JANUARY 2013 REGULATORY AGENDA

- B) Statutory Authority: 215 ILCS 5/401 and 466
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- John Gatlin, Supervisor, Property and Casualty Compliance Unit  
Department of Insurance  
320 West Washington, 5th Floor  
Springfield, Illinois 62767-0001
- 217/782-1786  
John.gatlin@illinois.gov
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citations): Licensing of Public Adjusters (50 Ill. Adm. Code 3118)
- 1) Rulemaking:
- A) Description: P.A. 96-1332 repealed the previous Public Adjuster Law and enacted its replacement, requiring changes to many of the provisions of 50 Ill. Adm. Code 3118.
- B) Statutory Authority: 215 ILCS 5/1501 et seq.
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:

## DEPARTMENT OF INSURANCE

## JANUARY 2013 REGULATORY AGENDA

David W. Murphy  
Assistant Deputy Director, Continuing Education Unit  
Department of Insurance

217-782-5415  
david.murphy@illinois.gov

or

John Gatlin, Supervisor, Property and Casualty Compliance Unit  
Department of Insurance  
320 West Washington, 5th Floor  
Springfield, Illinois 62767-0001

217/782-1786  
John.gatlin@illinois.gov

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citations): Health Carrier External Review (50 Ill. Adm. Code 5430)

1) Rulemaking:

A) Description: 215 ILCS 180 was amended effective August 26, 2011 by House Bill 0224, Public Act 97-0574. The changes to the law make it necessary to revise the regulation.

A) Statutory Authority: 215 ILCS 180

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Spring 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mary Petersen

## DEPARTMENT OF INSURANCE

## JANUARY 2013 REGULATORY AGENDA

Assistant Deputy Director  
Health Products Consumer Assistance Section  
Illinois Department of Insurance  
320 W. Washington Street  
Springfield, IL 62767

217/782-5822  
Mary.Petersen@illinois.gov

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citations): Viatical Settlement Provider Reporting Requirements (50 Ill. Adm. Code 5701)
- 1) Rulemaking:
- A) Description: The current 50 Ill. Adm. Code 5701 implemented provisions of the Viatical Settlements Act [215 ILCS 158]. This Act was repealed effective July 1, 2010. It is the Department's intention to repeal the existing rule and replace it with a new Part 5701 that will implement the Viatical Settlements Act of 2009 [215 ILCS 5/159].
- B) Statutory Authority: The Viatical Settlements Act of 2009 [215 ILCS 5/159/1].
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: Spring 2013.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Andrew Noyes  
Financial Corporate Regulatory Division  
Department of Insurance  
320 West Washington St., 4th Floor  
Springfield, IL 62767-0001

## DEPARTMENT OF INSURANCE

## JANUARY 2013 REGULATORY AGENDA

217/785-3265

Andy.noyes@illinois.gov

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citations): Dissolution and Reestablishment of an Inactive Article 3 or 4 Pension Fund, 50 Ill. Adm. Code 4439
- 1) Rulemaking:
- A) Description: P.A. 97-99, effective January 1, 2012, allows the dissolution of an Article 3 (Police) or Article 4 (Firefighter) Pension Fund that no longer has any remaining liabilities. In order to qualify, the fund would have to have no potential liability to actives, retirees, dependents or deferred members. The fund would have to be reestablished if the municipality hired new fire or police personnel at a future date or if an employee who previously withdrew time wished to re-establish that service time. P.A. 97-99 calls for the Department of Insurance to promulgate rules to govern this dissolution and reestablishment process.
- B) Statutory Authority: 40 ILCS 5/3-101, 3-144.6, 4-101 and 4-106.1
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This law is expected to have a positive impact on small municipalities that no longer have an active pension fund. Allowing the dissolution of the fund (assuming no remaining liabilities) will allow the municipality to utilize any remaining funds in the dissolved Article 3 or 4 pension fund to be used for municipal priorities. Also, they will no longer be faced with the costs involved in maintaining the fund, including annual filing and training requirements.
- F) Agency contact person for information:
- Scott Brandt, Public Service Administrator  
Department of Insurance  
320 West Washington, 4th Floor

DEPARTMENT OF INSURANCE

JANUARY 2013 REGULATORY AGENDA

Springfield, Illinois 62767-0001

217/785-7410

Scott.brandt@illinois.gov

- G) Related rulemakings and other pertinent information: None

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Regulations Under the Illinois Business Brokers Act of 1995 (14 Ill. Adm. Code 140)
- 1) Rulemaking:
- A) Description: Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Business Broker Act of 1995 [815 ILCS 307/10-1]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:
- Tanya Solov  
Illinois Securities Department  
69 W. Washington St., Suite 1220  
Chicago, IL 60602
- 312-793/3384  
Fax 312/793-1202  
Email: tsolov@ilsos.net
- G) Related rulemaking and other pertinent information: None
- b) Part(s) (Heading and Code Citations): Regulations Under the Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)
- 1) Rulemaking:

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

- A) Description: Amend rules and draft rules generally to conform regulations to state and federal legislative enactments and rules of the US Securities and Exchange Commission and practices to protect consumers.
- B) Statutory Authority: Illinois Securities Law of 1953 [815 ILCS 5/1]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:

Tanya Solov  
Illinois Securities Department  
69 W. Washington St., Suite 1220  
Chicago, IL 60602

312/793-3384  
Fax 312/793-1202  
Email: tsolov@ilsos.net

- G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citations): Regulations Under the Illinois Business Opportunity Sales Law of 1995 (14 Ill. Adm. Code 135)

1) Rulemaking:

- A) Description: Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Business Opportunity Sales Law of 1995 [815 ILCS 602/5-1]
- C) Scheduled meeting/hearing dates: None

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
- F) Agency contact person for information:

Tanya Solov  
Illinois Securities Department  
69 W. Washington St., Suite 1220  
Chicago, IL 60602

312-793/3384  
Fax 312/793-1202  
Email: tsolov@ilsos.net

- G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citations): Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill. Adm. Code 145)

- 1) Rulemaking:
  - A) Description: Amend rules and draft rules generally to conform regulations to legislative enactments.
  - B) Statutory Authority: Illinois Loan Broker Act of 1995 [815 ILCS 175/15-1]
  - C) Scheduled meeting/hearing dates: None
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown
  - F) Agency contact person for information:

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

Tanya Solov  
Illinois Securities Department  
69 W. Washington St., Suite 1220  
Chicago, IL 60602

312-793/3384  
Fax 312/793-1202  
Email: tsolov@ilsos.net

G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citations): State Records Commission (44 Ill. Adm. Code 4400)

1) Rulemaking:

A) Description: Proposed amendments will update requirements for the management of electronic records and will add greater detail to existing procedures for the disposal of records.

B) Statutory Authority: State Records Act [5 ILSC 160]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rule applies only to State agencies.

F) Agency contact person for information:

David A. Joens, Director  
Illinois State Archives  
2 W Norton Building  
Springfield, IL 62756

217/782-3492

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

Fax 217/524-3930  
Email: djoens@ilsos.netd

- G) Related rulemaking and other pertinent information: None
- f) Part(s) (Heading and Code Citations): Illinois State Library, Government Documents Section (23 Ill. Adm. Code 3020)
- 1) Rulemaking:
- A) Description: Section 3020.210, subsection (c) will be deleted. Depository libraries will be able to discard a tangible state document if it is available through the Electronic documents of Illinois repository.
- B) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21]
- C) Schedule meeting/hearing date: None
- D) Date agency anticipates First Notice: April 2013
- E) Impact on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796
- 217/558-4185  
Fax 217/557-2619  
Email: jnatale@ilsos.net
- G) Related rulemaking and other pertinent information: None

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

- g) Part(s) (Heading and Code Citations): The Illinois Library System Act (23 Ill. Adm. Code 3030)
- 1) Rulemaking:
- A) Description: Update the reference to the Illinois Interlibrary Loan Code in Section 3030.35 and make changes in Section 3035.50 to reflect changes in library system and member responsibilities due to funding level and decreased number of library systems. An expedited process in the suspension of a library system member that is no longer in operation will be established in Section 3030.115.
- B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]
- C) Schedule meeting/hearing date: None
- D) Date agency anticipates First Notice: April 2013
- E) Impact on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796
- 217/558-4185  
Fax 217/557-2619  
Email: [jnatale@ilsos.net](mailto:jnatale@ilsos.net)
- G) Related rulemakings and other pertinent information: None

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

h) Part(s) (Heading and Code Citations): Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)

1) Rulemaking:

- A) Description: Changes in the service model for the Talking Book and Braille Service in Subpart F, and changes in administration of grant programs.
- B) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18]
- C) Schedule meeting/hearing date: None
- D) Date agency anticipates First Notice: April 2013
- E) Impact on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Joseph Natale  
Rules Coordinator  
Illinois State Library  
Gwendolyn Brooks Building  
300 South Second Street  
Springfield, IL 62701-1796
- 217/558-4185  
Fax 217/557-2619  
Email: jnatale@ilsos.net
- G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citations): Definitions, 92 Ill. Adm. Code 1035.10

1) Rulemaking:

## SECRETARY OF STATE

## JANUARY 2013 REGULATORY AGENDA

- A) Description: Pursuant to Public Act, 97-378 mends the definition of multifunction school-activity bus from a bus designed to carry 11-15 to a bus designed to carry 11 or more passengers to a bus designed to carry 11 or more passengers (MFSAB).
- B) Statutory Authority: [625 ILCS 1-148.3a-5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2013
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jennifer Egizii  
Illinois Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, IL 62723
- 217/557-4462  
Fax 217/785-1385  
Email: jegizii@ilsos.net
- G) Related rulemakings and other pertinent information: None

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600)

1) Rulemaking:

A) Description: The System anticipates rulemaking affecting the following:

- i. Revise the current Rule on Effective Beneficiary Designations to clarify whether SURS will accept a beneficiary designation signed by an agent, who names himself or herself as the beneficiary.
- ii. Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.
- iii. Revise the current Rule on Rules of Practice – Nature and Requirements of Formal Hearings to clarify procedures.
- iv. Tier II - Promulgate rules for implementation of P.A. 96-889 and 97-609.
- v. Amend Board Trustee Election regulations to address vacancy scenarios and to make various technical corrections and administrative enhancements.
- vi. Amend procurement procedures to address the retention of fiduciary counsel to the Board of Trustees and other specialized legal services.
- vii. Update Freedom of Information Act – regulation to incorporate recent legislative changes to the Freedom of Information Act.
- viii. Return to Work - Promulgate rules for implementation of P.A. 97-0968.

B) Statutory Authority: Article 15 of the Illinois Pension Code [40 ILCS 5/15-177]

## STATE UNIVERSITIES RETIREMENT SYSTEM

## JANUARY 2013 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearings are anticipated.

D) Date agency anticipates First Notice: Winter/Spring 2013

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Michael B. Weinstein, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820

217/378-8825

Fax: 217/378-9801

Email: [mweinstein@surs.org](mailto:mweinstein@surs.org)

G) Related rulemakings and other pertinent information: Other Amendments may be necessary based on emergent issues.

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

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