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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

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, 2014 until January 2, 2015.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Compassionate Use of Medical Cannabis Pilot Program

2) Code Citation: 8 Ill. Adm. Code 1000

3)

Section Numbers:	Proposed Action:
1000.100	Amendment
1000.110	Amendment

4) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking in part amends the Permit Application Section to allow an applicant for a cultivation center permit, who has applied for zoning authorization to the appropriate zoning authority and the matter is pending before the zoning authority, to submit an application and later submit verification of zoning compliance once the authority has acted on the applicant's zoning request. This rulemaking also amends the Permits − Selection Criteria Section by adding the scoring points the Department will use when scoring cultivation center applications for implementation of the Compassionate Use of Medical Cannabis Pilot Program Act. Applications will be scored based on six required categories. The required categories and the bonus category will be scored based on point totals. The rule also amends the Permits - Selection Criteria Section to make it clear that minority, female, and disabled shall be defined as found in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking is in compliance with the mandate of the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130) and does not necessitate local government to establish, expand or modify its activities other than as required by the Act.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, other than new businesses that are created through this rulemaking and any municipalities wherein such a business might be located. There will only be 1 cultivation center permit awarded in each of the 22 Illinois State Police Districts where there is a qualified applicant.

B) Reporting, bookkeeping or other procedures required for compliance: Any applicant granted a permit to operate a cultivation center will be required to keep extensive, comprehensive records regarding the production, distribution for sale of medical cannabis, and destruction of unused cannabis and its waste products.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: it was not anticipated at the time the agendas were published.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: ILLINOIS DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONS

PART 1000
COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
1000.10 Definitions and Incorporations
1000.20 Referenced Materials
1000.30 Scope and Application
1000.40 Operation of a Cultivation Center
1000.50 Permits − General Provisions
1000.60 Evidence of Financial Responsibility − Terms
1000.70 Variances

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

1000.100 Permit Application
1000.110 Permits − Selection Criteria
1000.120 Permit Issuance; Transferability
1000.130 Permit Renewal
1000.140 Fees
1000.150 Modifications and Alterations
1000.160 Denial of Cultivation Center Application/Suspension or Revocation of Permit

SUBPART C: CULTIVATION CENTER REQUIREMENTS

1000.200 Financial Disclosure
1000.210 Fingerprint-Based Criminal History Records Check
1000.220 Cultivation Center Facility Plans and Specifications
1000.230 Measuring Distances
1000.240 Failure to Open or Operate
1000.250 Cultivation Center Records
1000.260 Automated Data Processing (ADP) and/or Point-of-Sale (POS) Systems
1000.270 Mandatory Signage

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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1000.300 Cultivation Center Agents Application; Issuance; Surrender
1000.310 Suspension or Revocation of Agent Identification Card
1000.320 Cultivation Center Agent-in-Charge
1000.330 Denial, Suspension or Revocation of Agent-in-Charge Identification Card

SUBPART E: CULTIVATION CENTER OPERATIONS

1000.400 Production Areas − Plants
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1000.410 Cultivation Center Management and Operations
1000.415 Containment Management and Operations
1000.420 Packaging and Labeling of Medical Cannabis and Cannabis-Infused Products
1000.425 Advertising
1000.430 Transportation of Cannabis and Cannabis-Infused Products
1000.435 Inventory
1000.440 Cultivation Center Storage
1000.445 Electronic Security System
1000.450 Alarm System
1000.455 Hours of Operation
1000.460 Waste Disposal
1000.465 Connections to the Potable Water Supply
1000.470 Pesticide Usage

SUBPART F: LABORATORY TESTING

1000.500 Laboratory Approval
1000.510 Laboratory Testing

SUBPART G: CULTIVATION CENTER CLOSURE

1000.600 Closure of a Cultivation Center

SUBPART H: ENFORCEMENT

1000.700 Investigations; Administrative Hearings and Penalties

1000.APPENDIX A Authorized Pesticides

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. 16731, effective July 25, 2014; emergency amendment at 38 Ill. Reg. 17772, effective August 8, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: CULTIVATION CENTER PERMITS AND PERMIT SELECTION

Section 1000.100 Permit Application

a) A cultivation center permit shall be obtained for each facility prior to commencement of any production activities. The permit shall, along with any other certificate, business license or other authorization required to conduct production activities, be posted in a conspicuous place within the facility.

b) The Department shall accept applications for cultivation center permits for 14 calendar days after the date indicated on the Department's website as the commencement date for accepting applications.

1) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which they are so delivered or, if sent electronically, on the date received by the Department if received on or before 5 p.m. Central Time. If received electronically after 5 p.m. Central Time, they will be considered received on the next day.

2) Submissions received after the 14 day period or any way other than required in this subsection (b) shall be returned to the applicant.

3) Notification of the availability of applications will be posted on the Department's website at www.agr.state.il.us/. Application forms will be made available online at that website and may be completed online and submitted electronically to that website, at the discretion of the Department, or sent via U.S. mail to the address set forth in the application.

c) The permit application shall be submitted on the forms provided by the Department. The forms will include instructions for their completion and submission. The application will reflect the information required of applicants by

the Act and this Part and will include requests for information, plans, maps and other materials in support of the application needed by the Department to make its determination on the permit request. The instructions on the application will reflect the total maximum number of points that can be awarded for each required criteria, measure and bonus point category listed in Section 1000.110. The instructions/application will also identify the total minimum number of points necessary from the required criteria and measures to be eligible for consideration of the bonus point categories. All applications will be reviewed and points awarded based upon the same point system in a fair and unbiased manner. If all materials, documentations, fees and information required by the application form are not submitted, the application shall be returned to the applicant. The applicant shall then have seven calendar days to resubmit the application in its entirety. Once submitted, the required fee will not be returned. Upon receipt of an application deemed to be complete, the Department will engage in no further communication with the applicant until after the selection process is completed:

1) Except as~~as~~ provided in Section 1000.110(g) and (h); and~~.~~

2) Unless the applicant has applied for zoning approval from the local zoning authority and the matter is pending before the authority. The applicant may submit verification of compliance with the local zoning rules once a ruling is issued by the local zoning authority. In no event, however, may the verification be submitted more than 60 days after the date of submission of the application to the Department.

d) An applicant applying for a cultivation center permit shall submit, in duplicate, the following:

1) *The proposed legal name of the cultivation center*;

2) *The proposed physical address of the cultivation center and description of the enclosed, locked facility as it applies to cultivation centers where medical cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization*;

3) *The name, address, and date of birth of each principal officer and board member of the cultivation center, provided that all those individuals shall be at least 21 years of age*;

4) *Any instance in which a business that any of the prospective board members of the cultivation center had managed or served on the board of the business and was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceeding*;

5) *Cultivation, inventory, and packaging plans*;

6) *Proposed operating by-laws* (Operation and Management Practices Plan) *that include procedures for the oversight of the cultivation center, development and implementation of a plant monitoring system, medical cannabis container tracking system, accurate record keeping, staffing plan, and security plan reviewed* by *the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under the Act. A physical inventory shall be performed of all plants and medical cannabis containers on a weekly basis*. ISP may utilize the services of a private security contractor licensed by DFPR to assist with performing a security plan review;

7) *Experience with agricultural cultivation techniques and industry standards*, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;

8) *Any academic degrees, certifications, or relevant experience with related businesses*;

9) *The identity of every person, association, trust,* producer backer, partnership, other entity *or corporation having any direct or indirect pecuniary interest in the cultivation center operation with respect to which the registration is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries;* (Section 85 of the Act)

10) If a sole proprietorship, the name, residence and date of birth of the owner;

11) *If a partnership, the names and addresses of all partners, both general and limited* (Section 85 of the Act) and any partnership or joint venture documents.

A) For a domestic limited partnership, a copy of the Certificate of Limited Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.

B) For a foreign limited partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;

12) If a limited liability partnership, the names and addresses of all partners, and any partnership or joint venture documents.

A) For a domestic limited liability partnership, a copy of the Certificate of Limited Liability Partnership and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days.

B) For a foreign limited liability partnership, a certificate of Good Standing from the state of formation, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days;

13) If a corporation based in Illinois, a copy of the Articles of Incorporation and a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days. If the corporation is a foreign corporation, a copy of the Articles of Incorporation, a copy of the Certificate of Good Standing from the state or country in which the corporation is domiciled, a copy of the Certificate of Authority from the Illinois Secretary of State and a Certificate of Good Standing from the Illinois Secretary of State dated within the last 60 days. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. Additionally, applicants shall include *the names and addresses of all stockholders and directors of the corporation* (Section 85 of the Act);

14) If a limited liability company:

A) For a domestic limited liability company, a copy of the Articles of Organization, a copy of the Certificate of Good Standing issued by the Illinois Secretary of State or obtained from the Secretary of State's website within the last 60 days, and a listing of the members of the limited liability company and his, her, or its contact information.

B) For a foreign limited liability company, a copy of the Articles of Organization and a Certificate of Good Standing from the state of organization, a copy of the Application for Admission to Transact Business in Illinois, along with a Certificate of Good Standing issued by the Illinois Secretary of State, all dated within the last 60 days;

15) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (d);

16) *Verification from the Illinois State Police that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense* (Section 85 of the Act).

17) A *copy of the current local zoning ordinance to the Department and* verification from the local zoning authority that the *proposed cultivation center is in compliance with the local zoning rules issued in accordance with Section 140* of the Act (Section 85 of the Act).

A) If the property is not owned but is currently leased by the applicant, the applicant shall provide: a copy of the lease; confirmation of land ownership; identification of any mortgagees and/or lienholders; a written statement from the property owner and/or landlord, certifying consent that the applicant may operate a cultivation center on the premises at least through December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.

B) If the property is not owned or currently leased by the applicant, the applicant shall provide: a written statement from the property owner and/or landlord certifying consent that the applicant will lease or purchase the property for the purpose of operating a cultivation center until at least December 31, 2017; and, if applicable, verification of notification by the property owner to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders.

C) If the property is owned by the applicant, the applicant shall provide: confirmation of land ownership; identification of any and all mortgagees and/or perfected lienholders; and, if applicable, verification of notification to any and all mortgagees and/or perfected lienholders that the property is to be used as a cultivation center at least through December 31, 2017, and consent thereto by any mortgagees and/or perfected lienholders;

18) A non-refundable application fee as set forth in Section 1000.140 for each application. Each application for a particular District shall be a separate application requiring a separate fee;

19) A location area map of the area surrounding the proposed cultivation center. The map must clearly demonstrate that the proposed cultivation center is *not located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use* (Section 105 of the Act);

20) A plot plan of the cultivation center drawn to a reasonable scale. If the cultivation center building is in existence at the time of the application, the applicant shall submit plans and specifications drawn to scale for the interior of the building. If the building is not in existence at the time of application, the applicant shall submit a plot plan and a detailed drawing to scale of the interior and the architect's drawing of the building to be constructed;

21) Documentation acceptable to the Department that the individual or entity filing the application has at least $500,000 in liquid assets.

Documentation acceptable to the Department includes a signed statement from an Illinois Licensed CPA attesting to proof of the required amount of liquid assets under the control of an owner or the entity applying. The statement must be dated within 30 calendar days before the date the application was submitted;

22) Documentation acceptable to the Department that the individual or entity filing the application will be able to obtain insurance sufficient to indemnify and hold harmless the State and its officers and employees as required in Section 1000.50(b)(4)(B);

23) All relevant financial information as set forth in Section 1000.200;

24) The name of any agent-in-charge for each work shift;

25) If currently or previously licensed or authorized in another state or jurisdiction to produce or otherwise deal in the distribution of cannabis in any form, the following:

A) A copy of each such licensing/authorizing document verifying licensure in that state or jurisdiction;

B) A statement granting permission to contact the regulatory agency that granted the license to confirm the information contained in the application; and

C) If the license/authorization or application was ever denied, suspended, revoked or otherwise sanctioned, a copy of documentation so indicating, or a statement that the applicant was so licensed and was never sanctioned.

e) The applicant shall sign a notarized statement certifying that:

1) No prospective principal officer or board member has been convicted of an excluded offense in any state or country;

2) The cultivation center will register with the Illinois Department of Revenue should the applicant be granted a permit;

3) The application is complete and accurate; and

4) The applicant has actual notice that, notwithstanding any state law:

A) Cannabis is a prohibited Schedule I controlled substance under federal law;

B) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;

C) Any activity not sanctioned by the Act or this Part may be a violation of State law;

D) Growing, distributing or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;

E) Use of medical cannabis may affect an individual's ability to receive federal or State licensure in other areas;

F) Use of medical cannabis, in tandem with other conduct, may be a violation of State or federal law;

G) Participation in the program does not authorize any person to violate federal law or State law and, other than as set out in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal law or State law; and

H) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

5) The Department has authority to include additional certifications in the application that would be sufficient to ensure compliance with the program and all other applicable laws.

6) All of applicant's principal officers and producer backers expressly agree to be subject to service of process in Illinois with a current Illinois address on file with the Department.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1000.110 Permits − Selection Criteria

a) Each application shall address all criteria and measures as set forth in this Part. The failure by an applicant to address all of the required criteria and measures will result in the application being denied.

b) The required criteria and measures shall include the following, with each criteria accounting for up to the indicated maximum number of the total points available for each criteria:

1) Suitability of the Proposed Facility (150 points):

A) Measure 1: The applicant demonstrates that the proposed facility is suitable for effective and safe cultivation of medical cannabis, sufficient in size, power allocation, air exchange and air flow, interior layout, lighting, and sufficient both in the interior and exterior to handle the bulk agricultural production of medical cannabis, cannabis-infused products, product handling, storage, trimming, packaging, loading and shipping. The loading/unloading of medical cannabis in the transport motor vehicle for shipping shall be in an enclosed, secure area out of public sight.

B) Measure 2: The applicant demonstrates the ability to continue to meet qualifying patient demand by expanding the cultivation facility in a quick and efficient manner with minimal impact on the environment and the surrounding community.

C) Measure 3: The applicant provides an employee handbook that will provide employees with a working guide to the understanding of the day-to-day administration of personnel policies and practices.

2) Proposed Staffing Plan and Knowledge of Illinois Law and Rules Relating to Medical Cannabis (100 points):

A) Measure 1: The applicant fully describes a staffing plan that will provide and ensure adequate staffing and experience for all accessible business hours, safe production, sanitation, adequate security and theft prevention; and

B) Measure 2: The applicant provides an Operations and Management Practices Plan that demonstrates compliance with this Part and the Act.

3) Security Plan (200 points):

A) Measure 1: The applicant's security plan demonstrates its ability to prevent the theft or diversion of medical cannabis and how the plan will assist with ISP, Department, and local law enforcement. Specifically, it shall evidence compliance with all items in Sections 1000.440, 1000.445 and 1000.450.

B) Measure 2: The applicant demonstrates that its plan for record keeping, tracking and monitoring inventory, quality control and security and other policies and procedures will discourage unlawful activity. It also describes the applicant's plan to coordinate with and dispose of unused or surplus medical cannabis through ISP and the Department.

C) Measure 3: The applicant's security plan shall describe the enclosed, locked facility that will be used to secure or store medical cannabis, its security measures, including when the location is closed for business, and the steps taken to ensure that medical cannabis is not visible to the public.

D) Measure 4: The applicant describes its transportation plan regarding procedures for safely and securely delivering medical cannabis to registered dispensaries.

4) Cultivation Plan (300 points):

A) Measure 1: The applicant shall describe its plan to provide a steady, uninterrupted supply of medical cannabis to registered dispensaries.

B) Measure 2: The applicant demonstrates knowledge of cultivation methods to be used in the cultivation of cannabis. The applicant shall describe the various strains to be cultivated and its

experience, if applicable, with growing those strains or comparable agricultural products.

C) Measure 3: The applicant demonstrates the steps that will be taken to ensure the quality, including the purity and consistency, of the medical cannabis to be provided to dispensaries.

5) Product Safety and Labeling Plan (150 points):

A) Measure 1: The applicant shall describe its plan for providing safe and accurate packaging and labeling of medical cannabis.

B) Measure 2: The applicant shall describe its plan for testing medical cannabis and ensuring that all medical cannabis is free of contaminants, including but not limited to pesticides, microbiological, and residual solvent. If applicable, the applicant shall provide quality history records showing specific testing results from laboratory testing conducted on the applicant's cannabis products.

C) Measure 3: The applicant shall describe its plan for establishing a recall of the applicant's products in the event that they are shown by testing or other means to be, or potentially to be, defective or have a reasonable probability that their use or exposure to will cause serious adverse health consequences. At a minimum, the plan should include the method of: identification of the products involved; notification to the dispensary organization or others to whom the product was sold or otherwise distributed; and how the products will be disposed of if returned to or retrieved by the applicant.

6) Applicant's Business Plan and Services to be Offered (100 points):

A) Measure 1: The applicant shall provide a business plan that describes how the cultivation center plans to operate on a long-term basis. This shall include the applicant providing a detailed description about the amount and source of the equity and debt commitment for the proposed cultivation center that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and

operating needs, and the financial capability to undertake the project.

B) Measure 2: The applicant or its officers, board members, or incorporators demonstrates experience in business management and/or having medical industry, agricultural or horticultural experience and the extent of their involvement in or ability to influence the day-to-day operations of the facility.

C) Measure 3: The business plan demonstrates a start-up timetable that provides an estimated time from permit approval of the cultivation center to full operation, and the assumptions used for the basis of those estimates.

c) The Department shall award bonus points for preferred but not required initiatives in the following categories based on the applicant's ability to meet or exceed minimum requirements, with each initiative accounting for up to a maximum of 20 points each, for a maximum total of 160 bonus ~~in the following categories~~:

1) Labor and Employment Practices: The applicant may describe any plans it has to:

A) Provide a safe, healthy and economically beneficial working environment for its employees, including, but not limited to, its plans regarding workplace safety and environmental standards, codes of conduct, healthcare benefits, educational benefits, retirement benefits, and wage standards.

B) Recruit and/or hire minorities, women, veterans, disabled persons and Illinois residents.

2) Research Plan: The applicant may provide the Department with a detailed proposal to conduct, or facilitate, a scientific study or studies related to the medicinal use of cannabis. To the extent it has been determined, the applicant may include in its proposal, a detailed description of:

A) The methodology of the study;

B) The issues to be studied;

C) The methods that will be used to identify and select study participants;

D) The identity of all persons or organizations that will be worked with in connection with the study, including the role of each;

E) The duration of the study; and

F) The intended use of the study results.

3) Community Benefits Plan: The applicant may provide the Department with a detailed description of any plans the applicant has to give back to the local community if awarded a cultivation center permit.

4) Substance Abuse Prevention Plan: The applicant may provide a detailed description of any plans it will undertake, if awarded a cultivation center permit, to combat substance abuse in Illinois, including the extent to which the applicant will partner, or otherwise work with existing substance abuse programs.

5) Local Community/Neighborhood Report: The applicant may provide comments, concerns or support regarding the potential impact of the proposed location to the local community and neighborhood. This may include the local community's concerns or support regarding the proposed location's proximity to substance abuse treatment centers, day care centers, schools and halfway houses.

6) Environmental Plan: The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the production of medical cannabis. The applicant may describe any plans for the use of alternative energy, the treatment of waste water and runoff, and scrubbing or treatment of exchanged air.

7) Verification of Minority Owned, Female Owned, Veteran Owned, or Disabled Person Owned Business: The Minority, Female, Veteran, or Disabled Person applicant must own at least 51 percent of the entity applying for registration. The percentage totals may include any combination of these types of businesses. The Minority, Female, Veteran, or Disabled Person applicant must also share in control of management and day-to-day operations of the permitted facility. Documentation must

be submitted at the time of application that demonstrates the respective status of the applicant, including, but not limited to, certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575] for minority, female or disabled person applicants, or a DD214 for veteran applicants. For purposes of this subsection (c)(7), minority, female, and disabled shall have the meanings ascribed in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2].

8) Verification that the applicant's principal place of business is headquartered in Illinois. The names, addresses and verification of the applicant's proposed agents that reside in Illinois. The applicant may also provide a plan for generating Illinois-based jobs and economic development.

d) Should the applicant be awarded a permit, the information and plan that an applicant provided in its application becomes a mandatory condition of the permit. If a permittee fails to comply with standard and special conditions of the permit, the Department may assess a penalty or seek suspension or revocation of the permit pursuant to Section 1000.700.

e) The Department may issue a cultivation center permit with conditions addressing weaker areas of the cultivation center's application that shall be addressed and corrected in the manner and timeframe set forth in the permit.

f) There shall not be more than one permit issued per each of the 22 ISP District boundaries as specified on January 1, 2013.

1) A permit shall be issued to the qualified applicant receiving at least the minimum required score in each category and the highest total score overall as compared to the other applicants within the applicable district.

2) ISP District Chicago (District C) incorporates ISP Districts 3 and 4. Therefore, the Department shall issue two separate permits for ISP District C.

g) In the event that two or more qualified applicants for a cultivation center permit receive the same total score, the Department shall select the applicant that received the highest score in the cultivation plan category. In the event that the same two applicants received the same score in the cultivation plan category, the

Department shall select the applicant that received the highest score in the security plan category.

1) If a tie score still remains, the tied applicants will be interviewed by an unbiased panel selected by the Department.

2) The panel will judge the overall applications and suitability, sustainability and likelihood of success of the applicants and award the permit accordingly.

h) In the event that there are no qualified applicants in a particular District, the applicant with the highest total score will meet with an unbiased panel selected by the Department to determine whether the applicant may be able to cure any deficiencies in the application to become qualified. If the applicant is unable to cure the deficiencies, the panel will meet with the applicant with the next highest score to determine whether it may be able to cure any deficiencies in its application to become qualified. If that applicant is unable to cure the deficiencies, and there are no qualified applicants in that particular District, the application process will be reopened. All applicants will be required to submit a new fee and application for that District.

i) If no qualified applicants are found during the process described in subsections (g) and (h), or if an applicant that is issued a conditional permit fails to fulfill the conditions of the conditional permit, or if no permit is issued or active in a particular District for any other reason, the Department shall announce another period to submit an application for that District. The application period shall be for 30 calendar days from the date specified in the announcement.

j) The Department may verify information contained in each application and accompanying documentation to assess the applicant's character and fitness to operate a cultivation center. Notwithstanding an applicant satisfying the foregoing selection criteria, the Department may, in its discretion, refuse to issue a permit if it is not satisfied that an applicant, or any one required to be identified in the application by Section 1000.100, is a person of good character, honesty and integrity, and is not:

1) A person whose background, including criminal charges, reputation and association, is injurious to the health, safety, morals, good order and general welfare of the People of the State of Illinois;

2) A person whose background, criminal record, reputation, habits, social or business associations adversely affect public confidence and trust in the medical cannabis industry or poses a threat to the public interests of the State or to the security and integrity of the medical cannabis industry;

3) A person who creates or enhances the dangers of unlawful practices, methods and activities in the medical cannabis industry, including, but limited to, product diversion;

4) A person who presents questionable business practices and financial arrangements incidental to the medical cannabis industry;

5) A person who associates with, either socially or in business affairs, or employs persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; or

6) A person who has had a cannabis dispensary or cultivation center license revoked, suspended or sanctioned in any other jurisdiction.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Purchases and Contracts

2) Code Citation: 44 Ill. Adm. Code 500

3)

Section Numbers:	Proposed Action:
500.40	Amendment
500.300	Amendment
500.310	Amendment
500.320	Amendment
500.330	Amendment
500.340	Amendment
500.350	Amendment
500.395	Amendment
500.430	Amendment
500.600	Amendment
500.800	Amendment
500.910	Amendment
500.1000	Amendment
500.1020	Amendment
500.1030	Amendment
500.1110	Amendment
500.1130	Amendment
500.1180	Amendment
500.1200	Amendment
500.1210	Amendment
500.1215	Amendment
500.1217	Amendment
500.1218	Amendment
500.1220	Amendment
500.1235	Amendment
500.1250	Amendment
500.1260	Amendment
500.1265	Amendment
500.1267	Amendment
500.1270	Amendment
500.1275	Amendment
500.1330	Amendment

NOTICE OF PROPOSED AMENDMENTS

4) Statutory Authority: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]

5) A Complete Description of the Subjects and Issues Involved: The Auditor General's purchasing rulemaking was last updated effective April 1, 2013. The Illinois Procurement Code was amended by PA 98-1076, which was signed on August 26, 2014 and will be effective January 1, 2015. The Auditor General has reviewed its rule in light of the amended law and is making some conforming changes and updates.

Changes include updating definitions, changing the timeframes for certain procurement actions, stating the method of computing days, increasing dollar thresholds for certain disclosures, increasing dollar thresholds for small businesses, and making other clarifying text changes throughout the rule.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposal:

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield IL 62703

217/782-6046 or 888/261-2887 (TTY)

NOTICE OF PROPOSED AMENDMENTS

All written comments filed within 45 days after the date of publication of this Notice will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses doing business with or seeking to do business with the Auditor General's Office would be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Small businesses having contracts with the Auditor General's Office are required to provide certain conflict of interest disclosures, financial interest disclosures and certifications.

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda in which this rulemaking was summarized: None. This rulemaking is in response to PA 98-1076, which was signed into law on August 26, 2014.

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

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER I: AUDITOR GENERAL

PART 500
PURCHASES AND CONTRACTS

SUBPART A: GENERAL

Section
500.10 Title
500.20 Policy
500.30 Application
500.40 Definition of Terms Used in This Part
500.50 Property Rights
500.60 Department of Central Management Services
500.70 Capital Development Board

SUBPART B: PROCUREMENT AUTHORITY

Section
500.100 Conduct of Procurements
500.110 Small Business Specialist

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section
500.200 Auditor General Volume of Illinois Procurement Bulletin
500.210 Publication of Auditor General Bulletin
500.220 Required Use of Auditor General Bulletin
500.230 Supplemental Notice
500.240 Error in Notice
500.250 Direct Solicitation
500.260 Retention of Bulletin Information

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section

500.300 General Provisions
500.310 Competitive Sealed Bidding
500.315 Multi-Step Sealed Bidding
500.320 Competitive Sealed Proposals
500.330 Small Purchases
500.340 Sole Economically Feasible Source Procurement
500.350 Emergency Procurements
500.360 Other Methods of Source Selection
500.370 Tie Bids and Proposals
500.380 Modification, Correction or Withdrawal of Offers
500.390 Cancellation of Solicitations; Rejection of Offers
500.395 Public Procurement File

SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
500.400 Suppliers
500.410 Vendor List/Required Use
500.420 Prequalification
500.430 Responsibility

SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
500.500 Security Requirements

SUBPART G: SPECIFICATIONS

Section
500.600 Specifications

SUBPART H: CONTRACT TYPE

Section
500.700 Types of Contracts

SUBPART I: DURATION OF CONTRACTS

Section

500.800 Duration of Contracts

SUBPART J: CONTRACT MATTERS

Section
500.900 Prevailing Wage
500.910 Filing with Comptroller
500.920 Equal Employment Opportunity; Affirmative Action

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
500.1000 Applicability
500.1010 Method of Source Selection
500.1015 Historic Area Preference
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500.1030 Lease Requirements
500.1040 Purchase Option
500.1050 Rent Without Occupancy
500.1060 Local Site Preferences

SUBPART L: PREFERENCES

Section
500.1110 Resident Vendor Preference
500.1120 Soybean Oil-based Ink
500.1130 Recycled Supplies
500.1140 Recyclable Supplies
500.1145 Environmentally Preferable Procurement
500.1148 Biobased Products
500.1150 Correctional Industries
500.1160 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities
500.1170 Gas Mileage
500.1180 Small Business
500.1190 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
500.1195 Illinois Agricultural Products
500.1197 Corn-based Plastics
500.1199 Disabled Veterans

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: ETHICS

Section
500.1200 Bribery
500.1210 Felons
500.1215 Prohibited Bidders and Contractors
500.1217 Debt Delinquency
500.1218 Collection and Remittance of Illinois Use Tax
500.1220 Conflicts of Interest
500.1230 Negotiations for Future Employment
500.1235 Environmental Protection Act Violations
500.1238 Lead Poisoning Prevention Act Violations
500.1240 Revolving Door Prohibition
500.1250 Disclosure of Financial Interests and Potential Conflicts of Interest
500.1260 Reporting Anticompetitive Practices
500.1265 Disclosure of Business in Iran
500.1267 Lobbying Restrictions
500.1270 Confidentiality
500.1275 Procurement Communications Reporting Requirement
500.1280 Insider Information
500.1285 Continuing Disclosure; False Certification
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SUBPART N: PROTESTS AND REMEDIES

Section
500.1300 Suspension and Debarment
500.1310 Resolution of Contract Controversies (Repealed)
500.1320 Violation of Law or Rule
500.1330 Protests
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SUBPART O: GOVERNMENTAL JOINT PURCHASING

Section
500.1400 General
500.1410 No Agency Relationship

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

SUBPART P: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
500.1500 Severability
500.1510 Finality of Determinations
500.1520 Government Furnished Property
500.1530 Inspections
500.1540 Records and Audits
500.1545 Taxes, Licenses, Assessments and Royalties
500.1550 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12].

SOURCE: Old Part repealed and new Part adopted at 24 Ill. Reg. 1836, effective February 7, 2000; amended at 35 Ill. Reg. 5307, effective April 1, 2011; amended at 37 Ill. Reg. 3741, effective April 1, 2013; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 500.40 Definition of Terms Used in This Part

As used throughout this Part, each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" − A written modification to a contract provision, as permitted by the original contract.

"Award" − The determination that a particular vendor has been selected from among other potential vendors to enter into negotiations for the purpose of finalizing a contract.

"Bid" − The response to an Invitation for Bids.

"Bidder" − The person or entity submitting a bid.

"Brand Name or Equal Specification" − A specification that uses one or more

manufacturer's names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet OAG requirements, and that allows the submission of equivalent products.

"Brand Name Specification" − A specification limited to one or more items by manufacturers' names or catalog numbers.

"CMS" − The Department of Central Management Services.

"Code" − The Illinois Procurement Code [30 ILCS 500].

"Consulting Services" − Services provided by a business or person as an independent contractor to advise and assist the OAG in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in this Part.

"Contract" − *All types of State agreements, ~~including change orders and renewals,~~ regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property where the State is the~~, whether the State is lessor or~~ lessee, or capital improvements, and including renewals, master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.* [30 ILCS 500/1-15.30] The term contract as used in this Part does not include supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission and for which there is no authorized competition.

"Contractor" or "Vendor" − The terms contractor and vendor are used interchangeably for purposes of this Part. When appropriate, the term "vendor" shall also include subcontractors.

"Day" − Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Invitation for Bids" or "IFB" − The process by which the OAG requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

"Items" − Anything that may be procured under this Part.

"OAG" − The Office of the Auditor General.

"Offer" − A bid, proposal or response solicited by the OAG.

"Offeror" − The person or entity submitting a bid, proposal or response solicited by the OAG. A person or entity (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the bid, offer or proposal.

"Procurement Officer" − One or more OAG employees who serve at the direction of the Chief Procurement Officer of the OAG (CPO) and are responsible for conducting OAG procurement activity.

"Proposal" − The response to a Request for Proposals.

"Proposer" − The person or entity submitting a proposal.

"Qualified Products List" − An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the OAG has determined will meet the applicable specification requirements.

"Request for Information" or "RFI" − The process by which the OAG requests information from offerors for OAG contracts for leases of real property or capital improvements.

"Request for Proposals" or "RFP" − The process by which the OAG requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.

"Respondent" − The person or entity submitting a response to a Request for Information from the OAG.

"Response" − A response to a Request for Information.

"Responsible Offeror" − A person or entity that is capable in all respects of performing fully the contract requirements and has the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid, proposal or offer is submitted for a State contract.

"Responsive Offeror" − A person or entity that has submitted an offer conforming in all material respects to the solicitation.

"Service" − The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing thereof.

"Solicitation" − An Invitation for Bids, Request for Proposals or Request for Information.

"Specification for a Common or General Use Item" − A specification that has been developed and approved for repeated use in procurements.

"Specifications" − *Any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.* [30 ILCS 500/1-15.95]

"Subcontract" – A contract with a total value of more than $50,000 ~~or more~~ between a person or entity and another person or entity who has a State contract, pursuant to which the subcontractor provides to the contractor, or, if the subcontract price is more than $50,000 ~~or more~~, another subcontractor some or all of the goods, services, real property, remuneration or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency. For purposes of this Part, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Part.

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of more than $50,000 ~~or more~~ with a person or entity who has a contract with the OAG pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration or other monetary forms of consideration that are the subject of the primary OAG contract, including subleases from a lessee of a State contract. For purposes of this Part, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Part.

"Supplier" – Any person or entity providing supplies, including, but not limited to, equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.

"Supplies" − All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section 500.300 General Provisions

a) Late Offers, Late Withdrawals and Late Modifications

1) Any bid, proposal, modification or withdrawal received after the time and date for receipt, or at other than the specified location, is late. A submission that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the OAG shall not be responsible for ensuring subsequent delivery of misdelivered items. Delivery at the specified location and time shall be the sole responsibility of the offeror.

2) No late offer, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of OAG personnel directly serving the procurement activity (e.g., providing the wrong address). It is the responsibility of the offeror to ensure delivery at the time and to the place

specified. Vendors submitting a late response will be notified and given the opportunity to retrieve the submission at their cost. Late submissions not returned to the vendor will be destroyed after all related procurement activity is complete and the resulting contract has been executed.

3) Records shall be made and, in accordance with OAG policy, kept for each late offer, late modification, or late withdrawal.

4) Any other submission that has a time or date deadline shall be treated in the same manner as a late offer.

b) Extension of Time

1) The Procurement Officer may, prior to the date or time for submitting or modifying an offer, extend the date or time for the convenience of the OAG.

2) After opening offers, the Procurement Officer may request offerors who submitted timely offers to extend the time during which the OAG may accept the offers, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit offers.

3) Unless otherwise provided in the solicitation, the vendor's offer must be kept firm for at least 30 calendar days after the opening date.

c) Electronic and Facsimile Submissions

1) The solicitation may state that electronic and fax machine submissions will be considered if they are received at the designated location by the time and date set for receipt. Any required attachments will be submitted as stated in the solicitation.

2) Electronic submissions authorized by specific language in the solicitation will be opened in accordance with OAG electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

3) Fax submissions authorized by specific language in the solicitation will be placed in a sealed container upon receipt and opened with other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit
The solicitation may require that vendors submit, by a certain time and date, a notice of their intent to submit an offer in response to the solicitation. Offers submitted without complying with the notice of intent requirement may be rejected.

e) Only One Offer Received
If only one offer is received, and if it meets all material requirements, an award may be made to the single offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that other prospective offerors had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise, the procurement may be canceled.

f) Alternate or Multiple Offers

1) Alternate offers may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 500.340 (Sole Economically Feasible Source Procurement) of this Part; or

C) the low offeror, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the solicitation.

2) Multiple offers may be accepted if permitted by the solicitation and submitted in accordance with instructions in the solicitation.

g) Multiple Items
A solicitation may call for pricing of multiple items of similar or related type. Award shall be as specified in the solicitation based on an individual line item, a

group total of certain items, a core list, a "market basket" of related items representative of the total requirement, a grand total of all items, or other grouping method.

h) "All or None" Offers
All or none offers may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

i) Conditioning Offers Upon Other Awards
Any offer that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall be rejected.

j) Unsolicited Offers
An award may not be made based on an unsolicited offer in place of the notice and competition requirements of this Part.

k) Clarification of Offers
The Procurement Officer may request that a vendor clarify its offer as a part of the evaluation process. A vendor shall not be allowed to materially change its offer in response to a request for clarification. A clarification is not an opportunity to make material changes or for submission of best and finals as authorized elsewhere in this Part.

l) Assignment, Novation or Change of Name

1) Assignment. No OAG contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the OAG. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the OAG. Any purported assignment without prior written consent shall be null and void.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the OAG;

C) the transferor waives all rights under the contract as against the OAG; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the OAG, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the OAG. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

m) Use of Source Selection Method that is Not Required
If a method of source selection is used that it is not, by law, required (e.g., use of a competitive sealed bid for a small purchase), compliance with the rules governing the method of source selection used is required.

n) Vendor Signature
An offer submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.

o) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.

p) Confidential Data
Vendors must clearly identify in writing, by page and paragraph, any information submitted to the OAG claimed to be exempt from the disclosure requirement of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140] and must identify the basis of the claimed exemption and show how that basis applies to the request for exemption. Information submitted without a claim of exemption may be disclosed to the public without notice or permission. Information submitted with a claimed exemption may still be disclosed to the public if determined by the OAG, or other appropriate party, that the claimed exemption does not meet the requirements for withholding the information under FOIA. The OAG will

attempt to provide reasonable notice and opportunity to object to the vendor prior to disclosure of any material claimed by the vendor to be exempt from FOIA.

q) Notice of Subcontractor

Any contract entered into under this Part shall state whether the services of a subcontractor will be used. The contract shall include the name and address~~names and addresses~~ of each subcontractor having a subcontract with an annual value of more than $50,000, the general type of work to be performed by each subcontractor,~~all known subcontractors~~ and the expected amount of money each will receive under the contract. If, at any time during the term of a contract, a contractor desires to add~~adds~~ or change~~changes~~ any subcontractor having a subcontract with an annual value of more than $50,000~~subcontractors~~, the contractor shall promptly notify, in writing, the Procurement Officer of the name and address~~names and addresses~~ of the proposed subcontractor, the general type of work to be performed by the proposed subcontractor,~~each new or replaced subcontractor~~ and the expected amount of money each new or replaced subcontractor will receive under the contract. Upon request of the Procurement Officer, the contractor shall provide the Procurement Officer with a copy of any new or amended subcontract ~~with an annual value of $50,000 or more~~ within 15 calendar days after the request is made. A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the Procurement Officer determines the information is not relevant to the primary contract, the Procurement Officer may excuse the inclusion of the information. If the Procurement Officer determines the information is proprietary or could harm the business interest of the subcontractor, the Procurement Officer may, in his or her discretion, redact the information. Redacted information shall not become part of the public record.

r) Reverse Auction

1) Use. The CPO, or his or her designee, may procure supplies or services through a competitive electronic auction bidding process if the CPO determines that the use of such a process will be in the best interest of the State.

2) Process. An invitation for bids shall be issued and shall include a procurement description, all material contractual terms, whenever practical, and conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner. Bids shall be

accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction.

3) Notice. Public notice of the electronic auction bidding process shall be published in the Auditor General Bulletin at least 14 calendar days before the date set for the opening of bids. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

4) Award. The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected. Extension of the date for award may be made by mutual written consent of the Procurement Officer and the lowest responsible bidder.

5) Prohibition. This subsection (r) does not apply to procurements of professional and artistic services, telecommunications services, communication services or information services, or contracts for construction projects.

s) Incorporation by Reference
A solicitation may incorporate documents by reference provided that the solicitation specifies where the documents can be obtained.

t) Computation of Days
The time within which any act provided in this Part is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday, and then it shall also be excluded. If the day succeeding a Saturday, Sunday, or holiday is also a holiday, a Saturday, or a Sunday, then that succeeding day shall also be excluded. For the purposes of this Part, "holiday" means: New Year's Day; Dr. Martin Luther King, Jr.'s Birthday; Lincoln's Birthday; President's Day; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; Christmas Day; and any other day from time to time declared by the President of the United States or the Governor of Illinois to be a day during which the agencies of the State of Illinois that are ordinarily open to do business with the public shall be closed for business.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.310 Competitive Sealed Bidding

a) Application
Competitive sealed bidding is the required method of source selection except as allowed by this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) The Invitation for Bids

1) Use. The Invitation for Bids (IFB) is used to initiate a competitive sealed bid procurement.

2) Content. The IFB shall include, at a minimum, the following:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance;

B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

3) Incorporation by Reference. The IFB may incorporate documents by reference provided that the IFB specifies where such documents can be obtained.

c) Bidding Time
Bidding time is the period of time between the date of notice or distribution of the IFB and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 calendar days shall be provided unless a shorter time is authorized by this Part.

d) Bidder Submissions

Bid Form. The IFB may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.

e) Public Notice

1) Publication. Every new procurement for supplies and services in excess of the small purchase amount that must be procured using an IFB shall be publicized in the Auditor General Bulletin at least 14 calendar days before the date set for bid opening.

2) Public Availability. A copy of the IFB shall be made available for public inspection.

3) Distribution. IFBs or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where the IFB may be obtained, generally describe what is needed, and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the IFB.

f) Pre-Bid Conference
Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as part of the IFB or, if the IFB has been issued, to all prospective bidders known to have received an IFB. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the IFB has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparation of bids. Nothing stated at the pre-bid conference shall change the IFB unless a change is made by written amendment to the IFB.

g) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be clearly identified and shall reference the portion of the IFB being amended.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an IFB or, if a conference was held and

attendance was mandatory, only to those prospective bidders who attended.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by e-mail, fax or telephone and confirmed in the amendment.

h) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the IFB. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) All bids, except as otherwise provided in subsection (i)(3) of this Section, and the bid record, shall be available for public inspection after award.

3) Confidential Data. The Procurement Officer shall examine the bids to determine the validity of any written requests for nondisclosure of trade secrets or other proprietary data. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB, except as permitted by this Part. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the IFB.

2) Responsibility. Responsibility of prospective vendors is covered by Section 500.430 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the IFB.

A) Product or Service Acceptability. The IFB shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste, or feel;

iii) other examinations to determine whether it conforms with

any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the IFB. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the OAG in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, administrative cost, and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the OAG has available concerning future use and shall provide for the equitable treatment of all bids.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award
Following award, a record showing the successful bidder shall be made a part of the procurement file.

l) Award to Other Than Low Bidder

1) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. A description of the agency's needs, a determination that the anticipated cost will be fair and reasonable, a listing of all responsible and responsive bidders, and the name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Auditor General Bulletin.

2) This action may be appropriate when the difference in quality or speed of

delivery is so great as compared to the difference in price, and considering the OAG's needs, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.

m) Publicizing Award
The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. Notice of award shall be issued by either paper or electronic means~~electronically~~ to all offerors submitting responses to the solicitation and published in the Auditor General Bulletin prior to contract execution ~~no later than the next business day following award~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.320 Competitive Sealed Proposals

a) The Competitive Sealed Proposal method of source selection shall be used to procure professional and artistic services, except as otherwise provided in subsection (b) of this Section. Other supplies and services may be procured through the Competitive Sealed Proposal method of source selection, on a case-by-case basis, when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or advantageous.

1) "Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].

2) "Practicable" Distinguished from "Advantageous". As used in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest.

A) Factors to be considered in determining whether competitive sealed bidding is not practicable include:

i) whether the contract needs to be other than a fixed-price type;

ii) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

iii) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

iv) whether award may need to be based upon a comparative evaluation, as stated in the RFP, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

v) whether the primary consideration in determining award may not be price.

B) Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

i) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

ii) whether the factors listed in subsection (a)(2)(A) of this Section are desirable, in conducting a procurement, rather than necessary.

b) All new procurements of professional and artistic services shall be made using the procedures contained in this Section, except:

1) Procurements under Section 500.330 (Small Purchases);

2) Procurements under Section 500.340 (Sole Source Procurement);

3) Procurements under Section 500.350 (Emergency Procurements);

4) Procurements of contract audit services pursuant to subsection (c) of this Section; and

5) Procurements subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

c) Contract Audit Rotation

1) Auditor Retention Policy. Initial audits by a contractor involve audit hours to identify key records and personnel, become familiar with agency operations and the electronic data processing environment, determine what internal controls and procedures are in place, and develop agency specific audit programs. Retaining a contractor for successive audits of the same agency generally allows audits to be conducted more economically, efficiently and effectively, and minimizes audit effort by both the contractor and the agency under audit. Professional auditing standards generally recognize the importance of an auditor retention policy.

2) Rotation Policy. To maximize the efficiencies obtained by auditor retention, it is the OAG's general policy, subject to the OAG's sole discretion, to maintain the same contractor on an audit engagement for six successive fiscal years, subject to an examination of such factors including but not limited to performance review, the satisfactory negotiation of terms (including price) and the annual availability of an appropriation.

3) Emergency Purchases. The term of a contract for audit or examination services procured in compliance with the emergency purchase provisions of Section 500.350 shall not be limited to 90 calendar days but shall be valid until the completion of the audit or examination to which the contract relates.

d) Contents
The RFP shall be in the form specified by the Procurement Officer and shall contain at least the following information:

1) instructions and information to proposers concerning the proposal submission requirements, including the time and date set for receipt of proposals, and the address of the office to which proposals are to be

delivered;

2) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;

3) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:

A) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

B) the abilities, qualifications, and experience of key persons who would be assigned to provide the required services;

C) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFP;

D) a plan, giving as much detail as is practical, explaining how the services will be performed; and

4) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package).

e) Prequalification
The Procurement Officer shall maintain a list of prequalified professional and artistic vendors in accordance with Section 500.420 of this Part. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal provided that the responsive offeror supplies with its proposal all information defined by the prequalification process.

f) Public Notice

1) Proposals shall be obtained by issuing an RFP. Notice of Intent to Issue an RFP may be made by the Procurement Officer.

2) Availability of the RFP shall be published in the Auditor General Bulletin at least 14 calendar days before proposals are due.

3) The RFP shall also be distributed to prequalified persons expressing interest in performing the services required by the proposed contract.

g) Pre-Proposal Conference
A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 500.310(f) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.

h) Receipt and Registration of Proposals
Proposals shall not be opened publicly but shall be opened in the presence of at least one witness. Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of proposals, a Register of Proposals shall be prepared which shall include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service offered. All proposals, except as otherwise provided in subsection (i) of this Section, and the Register of Proposals, shall be available for public inspection after award.

i) Confidential Data
The Procurement Officer shall examine the proposals to determine the validity of any written requests from the vendor for nondisclosure of trade secrets or other proprietary data. If the parties do not agree as to the disclosure of data or other information, the proposal shall be rejected as non-responsive.

j) Evaluation of Proposals
The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first, covering items except price, and the second, covering price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals. Factors not specified in the RFP shall not be considered. Numerical rating systems may be used but are not required.

k) Discussions

NOTICE OF PROPOSED AMENDMENTS

1) Discussions Permissible.

A) The Procurement Officer may conduct discussions with any offeror to:

i) promote understanding of the OAG's requirements and the offerors' proposals;

ii) determine in greater detail such offeror's qualifications;

iii) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach; and

iv) facilitate arriving at a contract that will be most advantageous to the OAG, taking into consideration price and the other evaluation factors set forth in the RFP.

B) The Procurement Officer may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and information contained in any proposals shall not be disclosed until after award of the proposed contract has been made.

3) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the OAG's requirements and require another submission of best and final offers. The scope of the best and final and the number of offerors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

4) Nothing in this Section shall prohibit the Procurement Officer from

making a selection that represents the best value, qualifications, price and other relevant factors established in the RFP being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

l) Award
An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the OAG, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made. If the price of the most qualified vendor is not the lowest price, and if the price exceeds $30,000, the Procurement Officer must state in writing why a vendor other than the low priced vendor was selected and that determination must be published in the Auditor General Bulletin.

m) Publicizing Awards
Notice of award shall be issued by either paper or electronic means~~electronically~~ to all offerors submitting responses to the solicitation and published in the Auditor General Bulletin prior to contract execution~~no later than the next business day following award~~.

n) Pre-solicitation Request for Information
When the Procurement Officer does not have sufficient information about available supplies or services to issue an RFP, the Procurement Officer may issue a Pre-solicitation request for information inviting vendors to submit non-price information about the availability of specified types of supplies or services. Public notice of the Pre-solicitation request for information shall be published in the Auditor General Bulletin at least 14 calendar days before the date set for the receipt of information. The submission of information by a vendor in response to a Pre-solicitation request for information is not a prerequisite for that vendor to respond to a subsequent IFB or RFP for the types of supplies or services for which information was solicited, and the issuance of a Pre-solicitation request for information does not commit the OAG to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a Pre-solicitation request for information.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 500.330 Small Purchases

a) Application

1) Procurements of $33,500 or less for supplies or services, other than professional and artistic, of less than $30,000 for professional and artistic services, and of $50,000 or less for construction, may be made without advance notice, competition or use of any prescribed method of source selection.

2) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS or another State agency with appropriate authority, for All Urban consumers for the period ending December 31, 1998, and for each year thereafter, shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter. Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually.

b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Notice of award shall be published in the Auditor General Bulletin no later than 14 calendar~~10 business~~ days after the contract is awarded.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.340 Sole Economically Feasible Source Procurement

a) Application
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 500.330 (Small Purchases) or unless emergency conditions exist as defined in Section 500.350 (Emergency Procurements), in which case small purchase or emergency procedures may be used.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

1) compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

2) items are needed for trial use or testing of that specific product or service;

3) the item is to be procured for commercial resale;

4) non-competitive public utility services;

5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) media for advertising;

7) art, educational (including training for continuing professional education, professional memberships and related expenses) or entertainment services; and

8) changes to existing contracts (see subsection (c)).

c) Changes

1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 500.330 of this Part, or that is an emergency as defined in Section 500.350 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures.

~~3) The sole source exception may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.~~

d) Procurement Officer to Determine
The Procurement Officer shall determine whether a procurement shall be made as a sole source. The determination and its basis shall be in writing.

e) Sole Source Process

1) Publication: Before entering into a sole source contract, a Procurement Officer must publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. The notice shall include the sole source procurement justification, a description of the item to be procured, and the intended sole source contractor. This notice must be posted in the Auditor General Bulletin at least 14 calendar days before a sole source contract is awarded.

2) Hearing: An interested party may submit a written request for a public hearing. Any hearing shall be conducted in accordance with the procedures set forth in Section 500.1340.

f) Negotiation in Sole Source Procurement
The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

1) the vendor's name;

2) the amount and type of the contract;

3) what was procured; and

4) the identification number of the contract file.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.350 Emergency Procurements

a) Application
The provisions of this Section apply to every procurement over the small purchase limit set in Section 500.330 (Small Purchases) of this Part and that is not a sole source procurement under Section 500.340 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions
Procurements may be made under this Section 500.350 in the following circumstances:

1) Traditional circumstances include but are not limited to:

A) public health or safety, including the health or safety of any particular person, is threatened;

B) immediate repairs are needed to OAG property to protect against further loss or damage to OAG property, or to prevent loss or

damage to OAG property;

C) immediate action is needed to prevent or minimize serious disruption in critical OAG services that affect health, safety or collection of substantial State revenues;

D) action is needed to ensure the integrity of State records;

E) equipment or services are necessary in the furtherance of covert activities (including the conduct of audits and investigations) lawfully conducted by the OAG. Any required disclosures may be postponed or shall be made so as not to jeopardize those covert activities;

F) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or

G) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under this Part cannot be accomplished without significant risk of causing serious disadvantage to the State.

2) After Unsuccessful Competitive Sealed Bidding or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or non-competitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding or competitive sealed proposals, an emergency procurement may be made.

3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the OAG.

4) Quick Purchase

A) A supplier announces bankruptcy, cessation of business, or loss of

franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the OAG than instituting a competitive procurement under the provisions of this Part for the supplies or services;

B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;

C) availability of rare items, such as books of historical value;

D) the procurement is for entertainment.

c) Scope and Duration of Emergency Conditions
Emergency procurements shall be limited to those supplies, services or construction items necessary to meet the emergency. Except as otherwise provided in Section 500.320(c)(3), the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 calendar days. A contract may be extended beyond 90 calendar days if the Procurement Officer determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, the Procurement Officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony.

d) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

e) Determination and Record of Emergency Procurement

1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. Such determinations shall be kept in the contract file.

2) Record. An affidavit of each emergency procurement shall be filed with

the Auditor General within 10 calendar days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;

C) a description of what the vendor will do or provide; and

D) the reasons for using the emergency method of source selection.

3) Notice of the Emergency Procurement. Notice of the emergency procurement shall be published in the Auditor General Bulletin no later than 5 calendar~~3 business~~ days after the contract is awarded and shall include a description of the procurement, the reasons for the emergency procurement and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

4) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Auditor General Bulletin no later than 14 calendar days prior to a public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor and, if applicable, the date, time and location of the public hearing. Any hearing shall be conducted in accordance with the procedures set forth in Section 500.1340.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.395 Public Procurement File

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The

procurement file shall contain a written determination, signed by the Procurement Officer or designee, setting forth the reasoning for the contract award decision. The procurement file shall not include trade secrets or other competitively sensitive, confidential or proprietary information. The procurement file shall be open to public inspection within 7 calendar~~business~~ days following award of the contract.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 500.430 Responsibility

a) Application
Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the OAG's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

b) Standards of Responsibility

1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:

A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the Procurement Officer may designate a level below which the vendor will be deemed "not responsible");

B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable

control of the vendor;

D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;

E) is a legal entity authorized to transact or conduct affairs~~do business~~ in Illinois prior to submitting the bid, offer or proposal and is qualified legally to contract with the State;

F) has supplied all necessary information in connection with the inquiry concerning responsibility;

G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

H) pays prevailing wages, if required by law; and

I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The OAG may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

c) Written Determination of Nonresponsibility Required
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the Procurement Officer. The final determination shall be made part of the procurement file.

d) Bond for Responsibility
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.

e) Affiliated Companies
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: SPECIFICATIONS

Section 500.600 Specifications

a) Responsibilities Regarding Specifications
The Procurement Officer is authorized to write specifications for procurements for the OAG.

b) Procedures for the Development of Specifications

1) All procurements shall be based on specifications that accurately reflect the OAG's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.

2) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate OAG needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

3) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.

4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the OAG's requirements.

5) *A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition of awarding or completing the contract.* [30 ILCS 500/20-50]

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification, not including a brand name specification;

C) the nature of the product or the nature of the OAG's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the OAG's best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal," and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.

d) Brand Name Only Specification

1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the OAG's needs.

2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the Procurement Officer. The OAG may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 500.340 (Sole Economically Feasible Source Procurement) of this Part.

4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 500.330 of this Part) and emergency (Section 500.350 of this Part) provisions of this Part.

e) Qualified Products List

1) Use. A qualified products list may be developed by the Procurement

Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy OAG requirements.

2) Solicitation. When developing a qualified products list, a notice shall be posted to the Auditor General Bulletin soliciting potential suppliers to submit products for testing and examination to determine acceptability for inclusion in a qualified products list.

3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.

f) Proven Products
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year prior to the notice date of a solicitation. Specifications may require that the supply or services must have been used in governmental or commercial venues for a specified period of time to be considered.

g) Product Demonstration
Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the OAG's discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

h) Prohibition on Incentives
A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition for awarding or completing the contract.

i) Prohibited Bidders and Contractors

1) *No person or business shall bid, offer, or enter into a contract* with the OAG *if the person or business assisted an employee of the* OAG, *who, by the nature of his or her duties, has the authority to participate personally*

and substantially in the decision to award an OAG *contract, by reviewing, drafting, directing or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.*

2) *This subsection* (i) *does not prohibit a person or business from submitting a bid or offer~~proposal~~ or entering into a contract if the person or business:*

A) *initiates a communication with an employee to provide general information about industry trends and innovations, products, services, or industry best practices and, if applicable, that communication is documented;*

B) *responds to a communication initiated by an employee of the* OAG *for the purposes of providing information to evaluate new products, trends, services or technologies* [30 ILCS 500/50-10.5(e)]*;*

C) receives or possesses written material obtained from a State employee from public sources, such as through an internet search, or literature packets obtained in conjunction with an event such as a trade show; or

D) provides, at the request of the OAG, general marketing material or makes a general sales presentation to show the person's qualifications or product capabilities. Material may be personalized for the OAG provided any personalization is obtained from publicly available sources.

3) *Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated to the State represents industry trends and innovation and is not specifically designed to meet the State's needs.*

4) *No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business*

who contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.

5) *For purposes of this subsection* (i), *"business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, or manager~~, or shareholder~~ of a business.* [30 ILCS 500/50-10.5(e)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART I: DURATION OF CONTRACTS

Section 500.800 Duration of Contracts

a) General

1) A multi-term contract for a term up to 10 years, inclusive of proposed contract renewals, is authorized when determined by the Procurement Officer to be in the best interest of the State.

2) A software license designated as a perpetual license is not considered a multi-term contract; it is instead a one-time purchase.

b) Subject to Appropriation
Each contract is contingent upon and subject to the availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part, without penalty or further payment being required if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack of, or insufficiency in, funding. A vendor will be notified in writing by the OAG of a failure to receive or a reduction or decrease in any appropriation or insufficiency of funds affecting the contract. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Year Contracts
A multi-year contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet OAG needs; or

2) a multi-year contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in OAG procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance;

B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) Multi-Year Contract Procedure
The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term); and

4) how award will be determined.

e) Renewals

1) Renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract and the option is reserved solely to the OAG or is by mutual agreement.

2) Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by this Part. This renewal will start a new term that shall not exceed 10 years.

3) Notice of renewal shall be published in the Auditor General Bulletin no later than 14 calendar~~10 business~~ days after the contract is awarded.

f) Cancellation of Contracts

1) In any of the following cases, the OAG shall have the right to terminate or rescind any contract entered into under this Part without penalty:

A) The successful vendor fails to furnish a satisfactory performance bond within the time specified;

B) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the OAG;

C) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly;

D) The vendor is guilty of misrepresentation (e.g., misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill obligations as a responsible vendor under other contracts with the State;

E) The vendor is adjudged bankrupt; enters into receivership or makes a general assignment for the benefit of creditors due to insolvency; disregards laws, rules or instructions of the OAG; or acts in violation of any provision of the contract;

F) Any other breach of contract or other unlawful act by the vendor;

G) The contract was obtained by fraud, collusion, conspiracy or other unlawful means; or

H) The contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

2) Damages
The damages for which the OAG may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

A) the additional cost of supplies or services bought elsewhere;

B) cost of repeating the procurement procedure;

C) any expenses incurred because of delay in receipt of supplies or services; and

D) any other damages caused by the vendor's breach of contract or unlawful act.

3) Withholding Money to Compensate OAG for Damages
If a contract is terminated or rescinded under this subsection (f), the OAG may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the OAG for any damage resulting from termination or rescission.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART J: CONTRACT MATTERS

Section 500.910 Filing with Comptroller

a) Filing with Comptroller
Whenever a contract liability, except for contracts paid from personal services or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $20,000 is incurred by the OAG, a copy of the contract, purchase order, or lease shall be filed with the Comptroller within 30 calendar days thereafter.

b) Late Filing Affidavit
When a contract, purchase order, or lease required to be filed by this Section has not been filed within 30 calendar days after execution, the OAG must file with the Comptroller an affidavit, signed by the Auditor General or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 calendar days after execution. A copy of this affidavit shall be filed with the Auditor General.

c) Timely Execution of Contracts
No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed, if so required under subsection (a), with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A Procurement Officer may request an exception to this requirement by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this requirement must be approved by the Comptroller and Treasurer. The requirements of this subsection shall not apply to emergency purchases if notice of the emergency purchase is published in the Auditor General Bulletin as required by Section 500.350.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 500.1000 Applicability

NOTICE OF PROPOSED AMENDMENTS

Except as otherwise authorized or required by law, all leases for real property or capital improvements, including office and storage space, buildings and other facilities for State agencies where the State is the lessee~~real property leases and capital improvement leases~~ are subject to, and shall be procured by, the OAG in accordance with this Part.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1020 Request for Information

a) RFI Form
When required, an RFI shall be issued and shall include:

1) the type of property to be leased;

2) the proposed uses of the property;

3) the duration of the lease;

4) the preferred location of the property; and

5) a general description of the configuration desired.

b) Public Notice
Public notice of the RFI for the availability of real property to lease shall be published in the Auditor General Bulletin at least 14 calendar days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the OAG is seeking space. Notice may also be mailed to owners of property that may meet the OAG's needs after public notice has been published in the Auditor General Bulletin.

c) Response
The RFI response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the RFI. All responses will be publicly opened on the announced date. Names of all parties submitting responses will be made available to the public immediately following the opening of responses. No other information concerning responses shall be publicly disclosed until award or other conclusion of the RFI process.

d) Negotiation and Determination

1) The Procurement Officer may enter into discussions with respondents of the RFI for the purpose of clarifying OAG needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, the Procurement Officer shall make a written determination identifying the responses that meet the minimum criteria set forth in the RFI. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the State. Site visits may be made as part of the discussion and/or negotiation process.

2) The Procurement Officer reserves the right to reject any responses and evaluate best and final offers. Best and final offers shall be sought after a written determination is made by the Procurement Officer that it is in the best interest of the State to request best and final offers. A best and final offer shall not be requested from any vendor deemed non-responsive or who does not meet the minimum criteria set forth in the RFI.

e) Contract Award, Reporting and Filing

1) The Procurement Officer or designee shall review all relevant information and recommend which response will be accepted based on an evaluation of all responsive offers. The final award decision will be published in the Auditor General Bulletin. Notification of award will be sent to all respondents.

2) When the lowest response by price is not selected, a written report of the negotiation shall be retained in the lease files and shall include the reasons for the final selection. The written reasons for the selection shall be published in the Auditor General Bulletin.

f) Emergency lease procurements may be made pursuant to Section 500.350.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1030 Lease Requirements

a) Length of Leases

1) Maximum Term. Except where a longer term is authorized by law, leases shall be for a term not to exceed 10 years inclusive of proposed contract renewals and shall include a termination option in favor of the OAG after no more than 5 years.

2) Renewal Option. Leases may include a renewal option. An option to renew may be exercised only when the Procurement Officer determines in writing that renewal is in the best interest of the OAG and notice of the exercise of the option is published in the Auditor General Bulletin at least 60 calendar days prior to the exercise of the option.

3) Holdover. No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.

b) Sufficiency of Funds
All leases shall recite that they are subject to termination and cancellation as provided in Section 500.800(b).

c) Lessor's Failure to Make Improvements
Each lease must provide for actual or liquidated damages~~a penalty~~ upon the lessor's failure to make improvements agreed upon in the lease. The actual or liquidated damages~~penalty~~ shall consist of a reduction in lease payments equal to the corresponding percentage of the improvement value to the lease value. The actual or liquidated damages~~penalty~~ shall continue until the lessor complies with the lease and the improvements are accepted by the leasing State agency.

d) All leases shall be accompanied by a full written disclosure of the identity of every owner or beneficiary having an interest in the premises being leased.

1) The disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, partner, managing agent or other authorized person.

2) The disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, the names of all members or managers of a limited liability company and the names of all shareholders in a corporation who

are entitled to receive more than 7½% of the total distributable income of the entity. If the entity is publicly traded and no readily known individual owns more than a 7½% interest, then the requirement of this subsection (d)(2) may be met by an officer or managing agent of the entity making an affirmative statement to this effect under oath.

3) The disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband or minor child of that person, having an ownership or beneficial interest under the lease. In the event a person is so set forth, the disclosure shall include a specific designation of the percentage of total distributable income that the person, together with that of the wife, husband or minor child of that person, is entitled to receive from any firm, partnership, association or corporation that is the lessor.

4) It shall be the responsibility of the lessor to notify the Procurement Officer of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting the changes within 30 days after the change.

e) Space that is not in compliance with accessibility regulations, or is not capable of being brought into compliance with the installation of minimum essential features of accessibility by the time of occupancy, shall not be considered for use. Each RFI will contain specifications for accessibility.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART L: PREFERENCES

Section 500.1110 Resident Vendor Preference

a) *When a contract is to be awarded to the lowest responsible bidder or offeror, a resident bidder or offeror shall be allowed a preference as against a non-resident bidder or offeror from any state that gives or requires a preference to bidders or offerors from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder or offeror. Further, if only non-resident bidders or offerors are bidding, the purchasing agency is within its right to specify that Illinois labor and manufacturing locations be used as a part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.* [30 ILCS 500/45-10(a)]

b) "Illinois resident bidder or offeror~~vendor~~" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder or offeror includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

c) This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1130 Recycled Supplies

When a public contract is to be awarded to the lowest responsible bidder or offeror, an otherwise qualified bidder or offeror who will fulfill the contract through the use of products made of recycled supplies may be given preference over other bidders or offerors unable to do so, provided that the cost included in the bid of supplies made of recycled materials does not constitute an undue economic~~edonomic~~ or practical hardship. [30 ILCS 500/45-20]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1180 Small Business

a) Set-Aside
The Procurement Officer may designate as small business set-asides a fair proportion of construction, supply and service contracts for award to small businesses in Illinois.

b) Small Business List
The Procurement Officer may develop its own list, or may use the list maintained by CMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information acceptable to the Procurement Officer verifying that the vendor

qualifies as a small business under this Part. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.

c) Required Use
If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) Withdrawal of Set-Aside
If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Auditor General Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of this Part.

e) Criteria for Small Business
Unless the Procurement Officer provides a definition for a particular procurement that reflects industry characteristics, a small business is one:

1) That is an Illinois business, independently owned and operated.

2) Not dominant in its field of operation. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

3) With annual sales for the most recently ended fiscal year no greater than:

A) $13,000,000~~$10,000,000~~ for wholesale business;

B) $14,000,000~~$10,000,000~~ for construction business; or

C) $8,000,000~~$6,000,000~~ for retail business or business selling services.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding $21,000,000~~$16,000,000~~ and the retail component may not exceed $8,000,000~~$6,000,000~~ and the wholesale component may not exceed $13,000,000~~$10,000,000~~. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).

6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART M: ETHICS

Section 500.1200 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract who:

1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) *the business has been finally adjudicated not guilty; or*

2) *the business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in* Section 5-4(a)(2) *of the Criminal Code of 2012~~1961~~.*

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

d) *Certification*
Every bid or offer submitted to every~~and~~ contract executed by the State and every

subcontract shall contain a certification by the bidder, offeror, potential contractor, contractor, or the subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false. A bidder, offeror, potential contractor, contractor, or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50-5]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1210 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.* [30 ILCS 500/50-10]

b) *Every bid or offer submitted to the State, every~~and~~ contract executed by the State, and every subcontract subject to* this Part *shall contain a certification by the bidder, offeror, potential contractor, ~~or~~ contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO may declare the related contract void if any of the certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-10]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1215 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid, offer, or enter into a contract or subcontract if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953* [815 ILCS 5] *for a period of 5 years from the date of conviction.*

b) *Every bid and offer submitted to the State, every~~and~~ contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-10.5]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1217 Debt Delinquency

a) *No person shall submit a bid or offer for, or enter into, a contract or subcontract under this* Part, *if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11 (a)] For purposes of this Section, terms shall be as defined in Section 50-11 of the Code.

b) *Every bid and offer submitted to the State, every~~and~~ contract executed by the State and every subcontract shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor, or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this*

subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false. [30 ILCS 500/50-11(b)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1218 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a State agency or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act* [35 ILCS 105] *regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall be as defined in Section 50-12 of the Code.

b) *Every bid and offer submitted to the State, every~~and~~ contract executed by the State and every subcontract shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor, or subcontractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-12]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1220 Conflicts of Interest

a) Prohibition
It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or

agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)]

b) Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive more than 7 1/2% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.[30 ILCS 500/50-13(b)]

c) Combined Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/50-13(c)]

d) Securities
Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.[30 ILCS 500/50-13 (d)]

e) Prior Interests
This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 calendar days after the officer, member, or employee takes office or is employed. [30 ILCS

500/50-13 (e)]

f) Exceptions

1) *Public aid payments. This Section does not apply to payments made for a public aid recipient.*

2) *Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.*

3) *Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.*

4) *Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.*

5) *Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Public Health, or the Department on Aging.*[30 ILCS 500/50-13(f)]

g) An individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments.

h) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, that is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

i) Exemptions
If the Procurement Officer finds a conflict of interest under this Section with the vendor selected for award or contract negotiations, the Procurement Officer shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO may exempt named individuals from the prohibitions of this Section when, *in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section.* [30 ILCS 500/50-20] Notice of each exemption shall be published in the Auditor General Bulletin and a copy shall be filed with the Secretary of State and State Comptroller prior to the contract's execution.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1235 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act* [415 ILCS 5] *shall do business with the State of Illinois or any State agency or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois or any State agency or subcontracting under* the *Code by subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) *Every bid or offer submitted to the State, every~~and~~ contract executed by the State and every subcontract shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting State agency may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-14(c)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1250 Disclosure of Financial Interests and Potential Conflicts of Interest

a) Requirement for Disclosure

1) *All bids and offers from responsive bidders, ~~or~~ offerors, vendors, or contractors with an annual value of more than $50,000~~$25,000~~ shall be accompanied by disclosure of the financial interests of the ~~contractor,~~ bidder, offeror, potential contractor, or contractor~~or proposer~~ and each subcontractor to be used. In addition, all subcontracts with an annual value of more than $50,000 shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder, ~~or~~ offeror, potential contractor, or contractor and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder, ~~or~~ offeror, potential contractor, contractor, or subcontractor.* [30 ILCS 500/50-35(a)]

2) Disclosure shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing entity or its parent entity, whichever is less, unless the ~~contractor,~~ bidder, offeror, potential contractor, contractor, or subcontractor:

A) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure; or

B) is a privately held entity that is exempt from Federal 10K reporting but has more than 100~~200~~ shareholders, partners or members, in which case it may submit the information that Federal 10K reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure.

b) Definitions and General Provisions

1) An "offer from responsive bidders or offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Section 500.310 or 500.320 of this Part. Disclosures are not required in sole source or emergency procurements.

2) A "parent entity" means an entity that owns 100% of the bidding entity.

3) "Contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

4) "Distributable" or "distributive" income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, that is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means dividends. When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.

5) "Personal services" shall be any contract for services subject to this Part, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from this Part under Section 500.30(a)(4) of this Part.

6) "Competitively bid" means a contract let pursuant to Section 500.310 or 500.320 of this Part.

7) "Subject to federal 10K reporting" means subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.

8) Contractors are under a continuing obligation to promptly supplement disclosures for accuracy throughout the contracting process and throughout the term of any resulting contract. Contractors with multi-year contracts must submit disclosures on an annual basis.

9) 10K Disclosures

A) Any vendor subject to federal 10K reporting requirements may submit its 10K to the OAG in satisfaction of this disclosure requirement. The vendor may be required to identify the specific sections or parts in the 10K disclosure containing information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the OAG is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

B) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO shall be investigated.

C) In circumstances where a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of this Part, and that is not personally known by the Procurement Officer, "publicly known or reasonably

available to the public" shall consist of information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

c) Form of Disclosure

1) The form of disclosure shall be prescribed by the CPO and must include at least the names, addresses, and dollar or proportionate share of ownership of each individual~~person~~ identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:

A) State employment, currently or in the previous 3 years, including contractual employment of services;

B) State employment of spouse, father, mother, son or daughter, including contractual employment for services in the previous 2 years;

C) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;

D) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

E) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;

F) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

G) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government;

H) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter;

I) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;

J) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

2) *The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder*, ~~*or*~~ *offeror*, *potential contractor, contractor, or subcontractor* *who is not identified under subsection* (a) *and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (c)(2) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-1)]

3) *The disclosure required under this Section must also include*, for each of the persons identified in subsection (c)(1) or (2), *each of the following that occurred within the previous 10 years:* *suspension or* *debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection* (c)(3) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the*

term of the contract if the bid or offer is successful. [30 ILCS 500/50-35(b-2)]

d) Intent of Disclosure
The disclosure in subsection (c) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the CPO, procurement officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

e) Determination by Procurement Officer
When a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be reviewed by the Procurement Officer or his or her designee, who must rule whether to void or allow the contract, subcontract, bid, offer, or proposal weighing the best interest of the State of Illinois. Any such written determination shall become a publicly available part of the contract, bid, or proposal file.

f) Requirements for Reasonable Care and Diligence
These thresholds and disclosure do not relieve the CPO, procurement officers, or their designees from reasonable care and diligence for any contract, bid, offer, or proposal. The CPO, procurement officers, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

g) Inadvertent or Accidental Failure to Fully Disclose
Inadvertent or accidental failure to fully disclose shall render the contract, subcontract, bid, offer, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts, bids, offers, proposals, or relationships with the OAG for a period of up to 2 years.

h) Intentional, Willful, or Material Failure to Disclose
Intentional, willful, or material failure to disclose shall render the contract, subcontract, bid, offer, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, offers, proposals, or relationships with the OAG for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented

upon by the CPO, who must rule in writing whether and when to reinstate.

i) Other Procurements
In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, subcontracts, leases, or other ongoing procurement relationships the bidder~~bidding~~, offeror, potential contractor, contractor~~proposing, offering~~, or subcontractor~~subcontracting entity~~ has with any other unit of State government and shall clearly identify the unit and the contract, offer, proposal, lease, or other relationship. [30 ILCS 500/50-35(h)]

j) Continuing Obligation
The ~~contractor or~~ bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process or during the term of any contract. [30 ILCS 500/50-35(i)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1260 Reporting Anticompetitive Practices

When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, chief procurement officer, State purchasing officer, designee, elected official, or State employee suspects collusion or other anticompetitive practice among any bidders, offerors, potential contractors, contractors, ~~proposers,~~ or employees of the State, a notice of the relevant facts shall be transmitted to the Attorney General and the chief procurement officer. [30 ILCS 500/50-40]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1265 Disclosure of Business in Iran

a) *Each bid or~~,~~ offer~~, or proposal~~ submitted for a State contract, other than a small purchase shall include a disclosure of whether or not the bidder, offeror, ~~or proposing entity,~~ or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid or~~,~~ offer~~, or proposal~~ had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the Government of Iran and:*

1) *more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral extraction activities; less than 75% of the company's revenues produced in or assets located in Iran involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or*

2) *the company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.* [30 ILCS 500/50-36]

b) A bid or~~,~~ offer ~~or proposal~~ that does not include the disclosure required by subsection (a) may be given a period after the bid or offer is submitted to cure the non-disclosure~~shall not be considered responsive~~. A procurement officer may consider the disclosure when evaluating the bid or~~,~~ offer ~~or proposal~~ or awarding the contract.

c) Each Chief Procurement Officer shall provide the State Comptroller with the name of each entity disclosed under subsection (a) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1267 Lobbying Restrictions

a) A person or business that is let or awarded a contract is not entitled to receive any payment, compensation, or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder. [30 ILCS 500/50-38 (a)]

b) Disclosure

1) Any bidder, ~~or~~ offeror, potential contractor, or contractor on a State contract that hires a person required to register under the Lobbyist Registration Act to assist in obtaining a contract shall:

A) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract;

B) not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration; and

C) sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration were billed to the State.

2) The information in subsection (b)(1)(A), along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The CPO shall post this information, together with the contract award notice, in the online Procurement Bulletin. [30 ILCS 500/50-38(b)]

c) No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection is guilty of a business offense and shall be fined not more than $10,000. [30 ILCS 500/50-38(c)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1270 Confidentiality

Any chief procurement officer, State purchasing officer, designee, or executive officer who willfully uses or allows the use of specifications, competitive solicitation~~bid~~ documents, proprietary competitive information, ~~proposals,~~ contracts, or selection information to compromise the fairness or integrity of the procurement~~, bidding,~~ or contract process shall be subject to immediate dismissal [30 ILCS 500/50-45], regardless of personnel rules, any contract, law or other agreement, and may, in addition, be subject to criminal prosecution.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 500.1275 Procurement Communications Reporting Requirement

a) *Reporting Requirement*

1) *Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the CPO. These communications do not include the following:*

A) *statements by a person publicly made in a public forum;*

B) *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*

C) *statements made by an OAG employee to the Auditor General or other employees of the OAG, or to an employee of another State agency who, through the communication, is either*:

i) *exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the* OAG; *or*

ii) *exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities;*

D) *unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter;*

E) *communications received in response to procurement solicitations, including, but not limited to, vendor responses to a request for information, request for proposal, request for qualifications, invitation for bid, or a small purchase, sole source, or emergency solicitation, or questions and answers posted to the* Auditor General *Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures, or guidelines;*

F) *communications that are privileged, protected, or confidential under law; and*

G) *communications that are part of a formal procurement process as set out by statute, rule, or the solicitation, guidelines, or procedures, including, but not limited to, the posting of procurement opportunities, the process for approving a procurement or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes.*

2) *The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.* [30 ILCS 500/50-39(a)]

b) *The report required by subsection (a) shall be submitted monthly and include at least the following:*

1) *the date and time of each communication;*

2) *the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended;*

3) *the identity and job title of the person to whom each communication was made;*

4) *if a response is made, the identity and job title of the person making each response;*

5) *a detailed summary of the points made by each person involved in the communication;*

6) *the duration of the communication;*

7) *the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and*

8) *any other pertinent information.* [30 ILCS 500/50-39(b)]

c) *Additionally, when an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in subsection (b).* [30 ILCS 500/50-39(c)]

d) The CPO shall make each report submitted pursuant to this Section available on the Auditor General Bulletin within 7 calendar days after receipt of the report. *No trade secrets or other proprietary or confidential information shall be included in any communication reported to the* CPO. [30 ILCS 500/50-39(b)]

e) The reporting requirements shall also be conveyed through ethics training under the State Officials and Employees Ethics Act [5 ILCS 430]. An employee who knowingly and intentionally violates this Section shall be subject to suspension or discharge.

f) *For purposes of this Section:*

1) *"Active Procurement Matter" means a procurement process beginning with requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals, or extensions.*

2) *"Material Information" means information that a reasonable person would deem important in determining his or her course of action and pertains to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.*

3) *"Material Argument" means a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. "Material argument" does not include general information about products, services, or industry best practices or a response to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies.* [30 ILCS 500/50-39(g)]

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART N: PROTESTS AND REMEDIES

Section 500.1330 Protests

a) Procurement-Related Protests Allowed

1) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting and any decision to reject a late bid or proposal.

2) Any person who has submitted a bid or proposal may protest a decision to reject the person's bid or proposal or to award to another person.

b) Protest Review Officer
The CPO may act as the Protest Review Officer (PRO) or may appoint one or more Protest Review Officers to consider the procurement-related protests and make a recommendation to the CPO for resolution of the protest. The CPO may adopt the recommendation or take other action.

c) Submission of Protest

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document or, in the absence of any designation, to the

CPO.

2) The protest must be physically received by the PRO at the location specified. A postmark or other carrier mark prior to the due date and time is not sufficient to show physical receipt. Fax and email qualify as writing, but the PRO does not guarantee receipt using those means.

A) In regard to the solicitation notice or solicitation document including specifications, a protest must be received within 14 calendar days after the date the solicitation was posted to the Auditor General Bulletin and must be received by the PRO at the designated address before the date for opening bids or proposals.

B) In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 calendar days after the protesting party knows or should have known of the facts giving rise to the protest to ensure consideration and, in any event, must be received before execution of the applicable contract.

3) Any notice posted to the Auditor General Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked as protests on the delivery container, the fax cover sheet or the e-mail subject line.

5) The written protest shall include at a minimum the following:

A) the name and address of the protesting party;

B) identification of the procurement and, if a contract has been awarded, its number or other identifier;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule, or the solicitation itself, including the evaluation and award (conclusions without supporting facts and arguments may not be sufficient);

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated; and

E) specific relief sought.

d) Requested Information; Time for Filing
The protesting party must supply any additional information requested by the PRO within the time periods set in the request. If the protesting party fails to comply with this request, the PRO shall consider the protest on the basis of available information or may deny the protest.

e) Stay of Procurements During Protest
Unless the CPO determines the needs of the OAG require an immediate execution of a contract, the following apply:

1) When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved.

2) If timely received but after award, the award shall be stayed without penalty to the State.

f) Resolution
The CPO will resolve the protest by means of a written determination. The resolution may include affirming the OAG's initial decision, in whole or in part, or revoking the OAG's decision in whole or in part. The CPO will resolve the protest as expeditiously as possible after receiving all relevant, requested information.

g) Effect of Judicial or Administrative Proceedings
If an action concerning the protest has commenced in a court or administrative body, the CPO may defer resolution of the protest pending the judicial or administrative determination.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Nurse Practice Act

2) Code Citation: 68 Ill. Adm. Code 1300

3)

Section Numbers:	Proposed Action:
1300.10	Amendment
1300.20	Amendment
1300.30	Amendment
1300.90	Amendment
1300.100	Amendment
1300.110	Amendment
1300.120	Amendment
1300.300	Amendment
1300.320	Amendment
1300.360	Amendment
1300.430	Amendment
1300.600	New Section
1300.610	New Section
1300.620	New Section
1300.630	New Section
1300.640	New Section
1300.650	New Section
1300.660	New Section
1300.670	New Section
1300.680	New Section

4) Statutory Authority: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]

5) A Complete Description of the Subjects and Issues Involved: PA 98-990, effective August 18, 2014, mandates the Department create and administer a Licensed Medication Aide Pilot Program; this proposed rulemaking implements this pilot program. The Act states that during the 3-year pilot program, the Department shall license and regulate licensed medication aides; this program is created in Subpart E of the Part. As part of the pilot program, no more than 10 skilled nursing homes, which shall be geographically located throughout the State, shall be authorized to employ licensed medication aides, as approved by the Department, and provides that the Department may consult with the

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Department of Public Health as necessary to properly administer and enforce this program.

The proposed rulemaking also makes revisions to the foreign trained nurse provisions in this Part to allow additional paths to licensure and it updates Section 1300.430 (Prescriptive Authority) to reflect statutory changes made to the Controlled Substances Act [720 ILCS 570].

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing nursing services pursuant to the licensure provisions of this Part.

B) Reporting, bookkeeping or other procedures required for compliance: Please see the new and revised requirement that follows in the proposed amendment to this Part.

C) Types of professional skills necessary for compliance: Nursing skills are necessary for compliance.

14) Regulatory Agenda on which this rulemaking was summarized: The Foreign Educated Applicant and the Advanced Practice Nurse (APN) amendment updates were noted on the July 2014 Regulatory Agenda. However, since SB 2958 (PA 98-990) was not introduced until March and became law in August, IDFPR has not yet had the opportunity to include the implementation of the Medication Aide Pilot Program in our agency agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300
NURSE PRACTICE ACT

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1300.20 Nursing Delegation
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1300.50 Restoration
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1300.70 Fines
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1300.100 Refusal to Issue a ~~Nurse~~ License Based on Criminal History Record
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Section

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1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
1300.460 Advanced Practice Nursing in Hospitals or Ambulatory Surgical Treatment Centers
1300.470 Advertising
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SUBPART E: MEDICATION AIDE

1300.600 Pilot Program
1300.610 Application for Examination or Licensure
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1300.630 Qualified Employers and Facilities
1300.640 Standards for Termination
1300.650 Site Visits
1300.660 Approved Curriculum
1300.670 Medication Aide Scope of Practice
1300.680 Required Reports of Qualified Facilities

1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse

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1300.EXHIBIT A Sample Written Collaborative Agreement

AUTHORITY: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 34 Ill. Reg. 14012, effective September 17, 2010; amended at 37 Ill. Reg. 9467, effective July 5, 2013; amended at 38 Ill. Reg. 15988, effective August 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1300.10 Definitions

The following definitions shall apply to this Part:

"Act" means the Nurse Practice Act [225 ILCS 65].

"Address of Record" means the address recorded by the Division in the applicant's or licensee's application file or license file, as maintained by the Division's licensure maintenance unit.

"Advanced Practice Nurse" or "APN" means a person who has met the qualifications for a:

certified nurse midwife (CNM);

certified nurse practitioner (CNP);

certified registered nurse anesthetist (CRNA); or

clinical nurse specialist (CNS) and has been licensed by the Division.

All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials after their name.

"APN Practice Pending Licensure" means practice by an APN, under a temporary permit, who is scheduled to take the National Certification Examination. This period of practice cannot exceed 6 months from date of application for the license. APN Practice Pending Licensure does not include prescriptive authority.

"Bilingual Nurse Consortium Course or Other Comparable Course Approved by the Division" means a course specifically designed to prepare a nurse trained in another jurisdiction, and for whom English is a second language, to take the Illinois required licensure examination.

"Board" means the Board of Nursing.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care. (Section 50-10 of the Act)

"Consultation" means the process by which *an advanced practice nurse seeks the advice or opinion of another health care professional.* (Section 50-10 of the Act)

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act [225 ILCS 25]. (Section 50-10 of the Act)

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

"Direction" means to give authoritative instruction to another regarding tasks and/or professional responsibilities.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

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

"Externship" means a two-year program allowing a registered nurse who is licensed under the laws of another state or territory of the United States to practice as a nurse extern under the direct supervision of a registered professional nurse while preparing for the NCLEX-RN examination.

"Impaired Nurse" means a nurse licensed under this Act who is unable to practice with reasonable judgment, skill or safety because of a physical or mental disability, as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a

psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care. (Section 50-10 of the Act)

"Medication Aide" means a person who has met the qualifications for licensure under the *Act who assists with medication administration while under the supervision of a registered professional nurse (RN) in a long term care facility.* (Section 80-5 of the Act)

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60]. (Section 50-10 of the Act)

"Physician Assistant" means a person licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95]. (Section 50-10 of the Act)

"Podiatrist" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. (Section 50-10 of the Act)

"Professional Responsibility" includes making decisions and judgments requiring use of knowledge acquired by completion of an approved program for licensure as a practical, professional or advanced practice nurse.

"Qualified Facility/Employer" means a long term care facility licensed by the Department of Public Health that meets the qualifications set forth in Section 80-10 of the Act and Section 1300.630, and is chosen to participate in the pilot program established pursuant to Section 80-10 of the Act.

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

"Task" means work not requiring professional knowledge, judgment and/or decision making. (Section 50-75 of the Act)

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.20 Nursing Delegation

a) *For the purposes of this Section:*

"Delegation" means transferring to an individual the authority to perform a selected nursing activity or task, in a selected situation.

"Nursing Activity" means any work requiring the use of knowledge acquired by completion of an approved program for licensure, including advanced education, continuing education, and experience as a licensed practical nurse or professional nurse, as defined by this Part.

b) *Nursing shall be practiced by licensed practical nurses, registered professional nurses, and advanced practice nurses. In the delivery of nursing care, nurses work with many other licensed professionals and other persons. An advanced practice nurse may delegate to registered professional nurses, licensed practical nurses, and others persons.*

c) *A registered professional nurse shall not delegate any nursing activity requiring the specialized knowledge, judgment, and skill of a licensed nurse to an unlicensed person, including medication administration. A registered professional nurse may delegate nursing activities to other registered professional nurses or licensed practical nurses.*

d) A registered professional nurse may delegate medication administration to a licensed medication aide in a qualified facility as authorized by Section 80-20 of the Act.

e)~~d)~~ *A registered nurse may delegate tasks to other licensed and unlicensed persons. A licensed practical nurse who has been delegated a nursing activity shall not re-delegate the nursing activity. A registered professional nurse or advanced practice nurse retains the right to refuse to delegate or to stop or rescind a previously authorized delegation.* (Section 50-75 of the Act)

f)~~e)~~ Practice in End Stage Renal Dialysis Facilities

1) For the purposes of this Section only, an individual working as a dialysis technician in a Medicare-certified End Stage Renal Dialysis Facility or a facility regulated under the End Stage Renal Disease Facility Act [210 ILCS 62] shall be considered a licensed individual for the purposes of delegation only under Section 50-75 of the Act. A person working to acquire the experience necessary to obtain certification under subsection (f)~~(e)~~(2) may practice in accordance with this subsection (f~~e~~) for a period

of no more than 18 months so long as his or her practice is in compliance with the experience standards set forth by the entities listed in subsection (f)~~(e)~~(2).

2) Delegation under this subsection (f)~~(e)~~ shall only be allowed if the individual receiving delegation currently holds, or is in the process of acquiring, the necessary experience to apply for and achieve one of the following certifications:

A) Certified Clinical Hemodialysis Technician (CCHT) by the Nephrology Nursing Certification Commission (NNCC);

B) Certified Hemodialysis Technician (CHT) by the Board of Nephrology Examiners Nursing and Technology (BONENT);

C) Certified in Clinical Nephrology Technology (CCNT) by the National Nephrology Certification Organization (NNCO).

3) Delegation under this subsection (f)~~(e)~~ shall not include medication administration except for saline flushes and application of topical anesthetics. All patient care provided by a certified dialysis technician practicing under this subsection (f)~~(e)~~ shall be under the direct and immediate on-site supervision of a licensed physician, advanced practice nurse, physician assistant or registered nurse.

4) Delegation under this subsection (f)~~(e)~~ shall also comply with any rules adopted under the End Stage Renal Disease Facility Act.

5) Nothing in this subsection (f)~~(e)~~ shall be construed to apply to any other facility or practice setting. This subsection (f)~~(e)~~ shall not be construed as granting a license under the Act and shall not allow individuals receiving delegation under this subsection (f)~~(e)~~ to use any title regulated by the Act.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.30 Fees

The following fees shall be paid to the Department and are not refundable:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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a) Application Fees

1) The fee for application for a license as a registered professional nurse, ~~and~~ a licensed practical nurse, and a medication aide is $50. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application for participation in the pilot program as a qualified facility as set forth in Section 1300.600 is $500.

3)~~2)~~ The fee for a temporary restoration or endorsement permit for a license as an advanced practice nurse, a registered professional nurse and a licensed practical nurse is $25.

4)~~3)~~ The fee for a nurse externship permit is $50.

5)~~4)~~ The fee for application for a license as an advanced practice nurse is $125.

6)~~5)~~ The fee for application as an approved continuing education sponsor is $500.

b) Renewal Fees

1) The fee for the renewal of a practical nurse license shall be calculated at the rate of $40 per year.

2) The fee for the renewal of a registered professional nurse license shall be calculated at the rate of $40 per year.

3) The fee for the renewal of a license as an advanced practice nurse shall be calculated at the rate of $40 per year.

4) The fee for renewal of an APN, LPN or RN continuing education sponsor approval is $250 for 2 years.

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $50 plus payment of all lapsed renewal fees, but not to exceed $250.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is $20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as registered professional nurses, ~~or~~ licensed practical nurses, or medication aides in this State shall be the actual cost of producing such a roster.

7) The fee for processing a fingerprint card by the Department of State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.90 Unethical or Unprofessional Conduct

a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of unethical or unprofessional conduct (see Section 70-5(b)(7) of the Act), which is interpreted to include, but is not limited to, the following acts or practices:

1) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a patient. Actual injury need not be established.

2) A departure from or failure to conform to the standards of practice~~professional or practical nursing~~ as set forth in the Act or this Part. Actual injury to a patient need not be established.

3) Engaging in behavior that crosses professional boundaries (such as signing wills or other documents not related to client health care).

4) Engaging in sexual conduct with a patient, or conduct that may reasonably be interpreted by a patient as sexual, or in any verbal behavior that is sexually harassing to a patient.

5) Demonstrating actual or potential inability to practice nursing with reasonable skill, safety or judgment by reason of illness, use of alcohol, drugs, chemicals or any other material, or as a result of any mental or physical condition.

b) The Division hereby incorporates by reference the "Code for Nurses with Interpretive Statements", July 2001, American Nurses Association, 8515 Georgia Avenue, Suite 400, Silver Spring MD 20910, with no later amendments or editions.

c) The Division hereby incorporates by reference the "Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs", National Association for Practical Nurse Education and Service, Inc., May 6, 2007, 1940 Duke Street, Suite 200, Alexandria VA 22314, with no later amendments or editions.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.100 Refusal to Issue a ~~Nurse~~ License Based on Criminal History Record

a) For purposes of this Part, criminal history record information is defined as information collected by criminal justice agencies (see 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information or other formal criminal charges, and any disposition arising from those actions, sentencing, correctional supervision and

release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

b) In determining whether an applicant for a ~~nurse~~ license is unfit for licensure because of criminal history record information, the Division shall consider the following standards:

1) Whether the crime was one of armed violence (see 720 ILCS 5/Art. 33A) or moral turpitude. Moral turpitude consists of:

A) Crime involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).

B) Drug offenses including but not limited to violations of the Illinois Controlled Substances Act [720 ILCS 570] and Federal Drug Enforcement Laws (21 USC 801 et seq.).

C) Sex offenses including but not limited to all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].

2) Whether the crime is related to the practice of the~~nursing~~ profession.

3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or a conviction for which a jail sentence was not imposed.

5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

A) Completion of probation;

B) Completion of parole supervision; or

C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):

1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) Falsification of an application for licensure with the Division;

4) Failure to furnish to the Division additional information or failure to appear for an interview or meeting with the Division in relation to the applicant's application for licensure.

d) The following criminal history records shall not be considered in connection with an application for licensure:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions that have been the subject of a pardon or expungement.

e) Notification of Denial, Revocation, Suspension, or Intent to Refuse to Renew; Request for Hearing

1) If the determination is made that the applicant is unfit for licensure, the Division shall send notice of denial, revocation, suspension or intent to refuse to renew by certified mail, return receipt requested, to the applicant at the applicant's address of record or by personal delivery to the applicant.

All such notices will include a statement of the reason for the Division's action.

2) An applicant may request a hearing to contest the Division's action under 68 Ill. Adm. Code 1110. The request shall be in writing and must be received by the Division not later than 20 days after the date the Division mailed or personally delivered the notice of its action to the applicant.

3) After receipt of a request for a hearing and prior to any such hearing, the Division shall schedule an informal conference with the applicant in an attempt to resolve issues in controversy consensually. The Division shall notify the applicant of the informal conference at least 20 days prior to the hearing. Failure by the applicant to attend the informal conference shall act as a withdrawal of the applicant's request for a hearing. The provisions of this subsection (e)(3) shall not apply if an informal conference was held prior to the Division serving notice upon the applicant as described in subsection (e)(1).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.110 Mandatory Reporting of Impaired Licensees~~Nurses~~

a) *Any nurse who is an administrator or officer in any hospital, nursing home, other health care agency or facility, or nurse agency and has knowledge of any action or condition which reasonably indicates that a* licensee under the Act~~licensed practical nurse, registered professional nurse or advanced practice nurse is~~:

1) *is impaired due to the use of alcohol or mood altering drugs to the extent that the impairment adversely affects the* licensee's~~*nurse's*~~ *professional performance; or*

2) *unlawfully possesses, uses, distributes or converts mood altering drugs* (Section 70-10(a) of the Act) shall report the individual to the Division or designee of the Division unless the licensee~~nurse~~ participates in a course of remedial professional counseling or medical treatment for substance abuse.

b) The administrator need not report the licensee~~nurse~~ in question so long as the nurse actively pursues treatment under monitoring by the administrator or officer

or by the hospital, nursing home, health care agency or facility, or nurse agency and the licensee~~nurse~~ continues to be employed by that hospital, nursing home, health care agency or facility, or nurse agency.

c) However, if the licensee~~nurse~~ fails to comply with treatment or leaves employment of the institution for any reason, the administrator shall report the licensee~~nurse~~ to the Division.

d) Notwithstanding any other Section or provisions of the Nurse Practice Act, if the Division verifies habitual intoxication or drug addiction that adversely affects professional performance or the unlawful possession, use, distribution or conversion of habit forming drugs by the reported licensee~~nurse~~, the Division may seek to discipline the licensee~~nurse~~ pursuant to Section 70-5 of the Act.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.120 Impaired LicenseeNurse – Disciplinary and Non-Disciplinary

a) Disciplinary and Non-Disciplinary Options for the Impaired LicenseeNurse. The Division shall establish by rule a program of care, counseling and treatment for the impaired licensee~~nurse~~. This program shall allow an impaired licensee~~nurse~~ to self-refer to the program.

b) Eligibility for consideration for a care, counseling and treatment agreement shall include but not be limited to the following:

1) licensee must self report to the Division before a complaint has been filed;

2) licensee must have no prior disciplinary action in any jurisdiction concerning practice issues related to substance abuse;

3) licensee has not been convicted criminally of any felony or drug-related misdemeanor, nor is any such criminal action pending;

4) licensee acknowledges addiction and/or chemical dependence; and

5) licensee has appeared for and submitted to an assessment by a physician who is a certified addictionist or an advanced practice nurse with specialty

certification in addiction and has followed the recommendations of the assessment.

c) Individual licensee health care records shall be privileged and confidential, unavailable for use in any proceeding, and not subject to disclosure. Nothing in this Section shall impair or prohibit the Division from taking disciplinary action based upon the grounds set forth in Section 70-5 of the Act.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: REGISTERED NURSE

Section 1300.300 Application for Examination or Licensure

a) Each applicant shall file, with the Division or the testing service designated by the Division, a completed, signed application, on forms supplied by the Division, that includes:

1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;

2) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;

3) the fees required by Section 1300.30(a)(1);

4) for applicants educated outside the United States or its territories, the following:

A) a credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES). To be accepted, the report must:

i) verify that the applicant has successfully completed primary and nursing education equivalent to education received in a US state or territory as determined by the Department, based upon receipt and review of official transcripts from the nursing education program bearing the school seal;

ii) verify that the applicant was licensed in his or her country of education if licensure was available at the time of education;

iii) indicate any subject matter deficiencies; and

iv) be in a form and manner acceptable to the Division;~~However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal; these credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.~~

B) if the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an

approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English~~ or the passage of an approved licensing examination given in English~~;

C) for applicants who have completed a minimum of 2 years of nursing education but are unable to meet the requirement of subsection (a)(4)(A)(1), proof of successful passage of the General Education Development test enabling the applicant to be approved to sit for the examination.

~~5) verification from the jurisdictions in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, if applicable, stating:~~

~~A) the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and~~

~~B) whether the file on the applicant contains any record of disciplinary actions taken or pending.~~

b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted by Section 60-10 of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.

c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the director of nursing education shall include an explanation in the certification.

d) Pursuant to Section 50-70 of the Act, when an applicant has completed a nonapproved program that is a correspondence course or a program of nursing that does not require coordinated or concurrent theory and clinical practice, the

Division may grant a license to an applicant who has applied in accordance with subsection (a) and who has received an advanced graduate degree in nursing from an approved program with concurrent theory and clinical practice or who is currently licensed in another state and has been actively practicing in clinical nursing for a minimum of 2 years. Clinical practice for purposes of this Section means nursing practice that involves direct physical (psychomotor and psychosocial) patient (client) care within an acute care facility.

1) Clinical practice areas that would meet the requirements for clinical practice include the following:

A) Adult Medical Surgical Nursing

B) Pediatric Nursing

C) Maternity Nursing

D) Emergency Nursing

E) Critical Care Nursing

F) Post-Anesthesia Care Nursing

G) Psychiatric Nursing

H) Medicare/Skilled Nursing in a Long-Term Care Facility

2) Clinical practice shall not include:

A) Telephone or Triage Nursing

B) Case Management

3) A year of clinical practice consists of not less than 1500 hours of direct patient care.

4) The Board of Nursing will review clinical practice documentation that does not meet the requirements of this subsection (d).

e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.

f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.

g) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.310, the applicant shall file an application in accordance with subsection (a) and shall have the examination scores submitted to the Division directly from the testing entity or from the state of original licensure.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.320 RN Licensure by Endorsement

a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Division. The application shall include:

1) the fee required by Section 1300.30(a)(1);

2) proof of graduation from a nursing education program that meets the requirements of Section 1300.340;

3) proof of passage of an examination recognized by the Division, upon recommendation of the Board (i.e., National Council Licensure Examination for professional nurses, or State Board Test Pool Examination for professional nurses or practical nurses);

4) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section

1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;

5) for RN applicants who received education outside of the United States, ~~:A)~~a~~A~~ credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES).

A) To be accepted, the report must:

i) verify that the applicant has successfully completed primary and nursing education equivalent to education received in a US state or territory as determined by the Department, based upon receipt and review of official transcripts from the nursing education program bearing the school seal;

ii) verify that the applicant was licensed in his or her country of education if licensure was available at the time of education;

iii) indicate any subject matter deficiencies; and

iv) be in a form and manner acceptable to the Division;~~However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal. These credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.~~

B) The requirement for a credentials evaluation of foreign nursing education~~requirements of subsection (a)(5)(A)~~ may be satisfied by the submission of proof of a certificate from the Certificate

Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools, provided that the certificate was based upon licensure in the applicants country of education;~~.~~

C) If the applicant's first language is not English, the applicant shall provide certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL, the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;

D) Applicants that have completed a minimum of 2 years of nursing education but are unable to meet the requirement of subsection (a)(5)(A)(i) may be approved for licensure if:

i) the applicant provides proof of successful passage of the General Education Development test; or

ii) the applicant provides proof of a minimum of two years full time licensed clinical nursing practice in another state;

6) official transcripts of theory and clinical education prepared by an official of the military for a nurse applicant who has received his/her education in the military service. Education must meet the standards for education set forth in Section 1300.340;

7) verification of licensure status from the jurisdiction in which the applicant was originally licensed, current licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years; and

8) a certified translation for all credentials of education and licensure, if not in English.

b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.

c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.

d) Compliance with the provisions of Section 1300.310(b)(3) for each RN applicant and shall be a requirement for Illinois nurse licensure by endorsement.

e) Individuals applying for licensure by endorsement may apply to the Division, on forms provided by the Division, to receive a Temporary Endorsement Permit pursuant to Section 60-10 of the Act. The permit shall allow the applicant to work pending the issuance of a license by endorsement.

1) The temporary endorsement permit application shall include:

A) a completed, signed endorsement application, along with the required endorsement licensure fee set forth in Section 1300.30(a)(3~~2~~). All supporting documents shall be submitted to the Division before a permanent license by endorsement is issued;

B) photocopies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the Nurse System (NURSYS) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file;

C) verification that fingerprints have been submitted to the Division or the Illinois Department of State Police or its designated agent; and

D) the fee for a temporary permit as required in Section 1300.30(a)(3~~2~~)~~ of this Part~~.

2) The Division shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (e)(1).

3) Temporary permits shall be terminated upon:

A) the issuance of a permanent license by endorsement;

B) failure to complete the application process within 6 months from the date of issuance of the permit;

C) a finding by the Division that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States that is:

i) a felony; or

ii) a misdemeanor directly related to the practice of nursing, within the last 5 years;

D) a finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois; or

E) a finding by the Division that the applicant does not meet the licensure requirements for endorsement set forth in this Section. The Division shall notify the applicant in writing of the termination.

4) The Division shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (e)(3)(D) and (E) and/or Section 70-5 of the Act.

5) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, defined as:

A) serving full-time in the Armed Forces;

B) an incapacitating illness as documented by a currently licensed physician;

C) death of an immediate family member; or

D) extenuating circumstances beyond the applicant's control, as approved by the Director.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1300.360 RN Scope of Practice

Practice as a registered professional nurse means the full scope of nursing, with or without compensation, that incorporates caring for all patients in all settings, through nursing standards recognized by the Division, *and includes all of the following and other activities requiring a like skill level for which the registered professional nurse is properly trained:*

a) *The comprehensive nursing assessment of the health status of patients that addresses changes to patient conditions.*

b) *The development of a plan of nursing care to be integrated within the patient-centered health care plan that establishes nursing diagnoses, and setting goals to meet identified health care needs, determining nursing interventions, and implementation of nursing care through the execution of nursing strategies and regimens ordered or prescribed by authorized healthcare professionals.*

c) *The administration of medication or delegation of medication administration to licensed practical nurses* or medication aides in a qualified facility (see Section 80-20 of the Act)*.*

d) *Delegation of nursing interventions to implement the plan of care.*

e) *The provision for the maintenance of safe and effective nursing care rendered directly or through delegation.*

f) *Advocating for patients.*

g) *The evaluation of responses to interventions and the effectiveness of the plan of care.*

h) *Communicating and collaborating with other health care professionals.*

i) *The procurement and application of new knowledge and technologies.*

j) *The provision of health education and counseling.*

k) *Participating in development of policies, procedures and systems to support patient safety.* (Section 60-35 of the Act)

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: ADVANCED PRACTICE NURSE

Section 1300.430 Prescriptive Authority

a) A collaborating physician or podiatric physician ~~podiatrist~~ who delegates prescriptive authority to an advanced practice nurse shall include that delegation in the written collaborative agreement. This authority may include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and controlled substances categorized as any Schedule III through~~, III-N, IV or~~ V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician or podiatric physician~~podiatrist~~ must have a valid current Illinois controlled substance license and federal registration to delegate authority to prescribe delegated controlled substances.

b) Pursuant to Section 65-40(d) of the Act, a collaborating physician may, but is not required to, delegate authority to an advanced practice nurse to prescribe any Schedule II~~ or II-N~~ controlled substances by oral dosage or topical or transdermal application if all~~under~~ the following conditions apply:

1) The delegated Schedule II controlled substance is specifically identified by either brand name or generic name.~~*No more than 5 Schedule II or II-N controlled substances by oral dosage may be delegated.*~~ *For the purposes of this Section* generic substitution pursuant to Section 25 of the Pharmacy

Practice Act shall be allowed under this Section when not prohibited by a prescriber's indication on the prescription that the pharmacist "may not substitute".

2) The delegated Schedule II controlled substances are routinely prescribed by the collaborating physician or podiatric physician.~~*The collaborating physician can only delegate controlled substances that the collaborating physician prescribes.*~~

3) Any prescription must be limited to no more than a 30-day supply ~~oral dosage~~, with any continuation authorized only after prior approval of the collaborating physician or podiatric physician.

4) *The advanced practice nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician* or podiatric physician.

5) The advanced practice nurse meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act [720 ILCS 570].

c) An APN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substances license in accordance with 77 Ill. Adm. Code 3100. The physician or podiatric physician~~podiatrist~~ shall file a notice of delegation of prescriptive authority with the Division. The delegation of authority form shall be submitted to the Division prior to the issuance of a controlled substance license.

d) The APN may only prescribe and dispense controlled substances that the collaborating physician or podiatric physician~~podiatrist~~ prescribes. Licensed dentists may not delegate prescriptive authority.

e) All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician or podiatric physician~~podiatrist~~. The collaborating physician's or podiatric physician's~~podiatrist's~~ signature is not required. The APN nurse shall sign his/her own name.

f) An APN may receive and dispense samples per the collaborative agreement.

g) Medication orders shall be reviewed periodically by the collaborating physician or podiatric physician~~podiatrist~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART E: MEDICATION AIDE

Section 1300.600 Pilot Program

a) The medication aide pilot program shall commence on January 1, 2016 and shall terminate on December 31, 2018.

b) The medication aide pilot program shall consist of not more than 10 qualified nursing homes geographically dispersed throughout the State, with 2 each from the 5 Appellate Court Districts.

c) Applications to be approved or selected as a qualified facility for the pilot program will be accepted from September 1, 2015 through October 31, 2015. All deficiencies must be resolved within the time frames set forth in the deficiency notice.

d) Licenses to practice as a medication aide under this pilot program shall not be renewed or restored.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.610 Application for Examination or Licensure

a) Each applicant shall file with the Division, or the testing service designated by the Division, a signed and completed application, on forms furnished by the Division, that includes:

1) current Illinois certified nursing assistant license number;

2) proof of completion of 2,000 hours of practice as a certified nursing assistant within 3 years prior to application for licensure;

3) proof of completion of a medication aide education program provided by a qualified facility;

4) current certification to perform cardiopulmonary resuscitation by the American Heart Association or American Red Cross;

5) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Medication Aides licensed in Illinois are not required to be fingerprinted when applying for a license as a practical nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by DSP or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;

6) proof of employment by a qualified facility;

7) the required fees set forth in Section 1300.60(a)(1);

8) proof of high school diploma or certificate of general education development (GED). Upon review, the Division has determined that proof of a high school diploma or GED shall demonstrate competency in math and the ability to speak, read and write the English language.

b) The Division shall not endorse applicants who have been licensed or certified as medication aides outside this State.

c) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.620 Medication Aide Licensure Examination

a) The examination for licensure as a medication aide shall be the Medication Aide Certification Examination (MACE).

b) Medication Aide Examination

1) The passing grade on the Medication Aide Certification Examination (MACE) shall be based on an ability scale designed to measure minimum Medication Aide competency. A pass/fail grade will be assigned.

2) A Medication Aide applicant who fails the examination is not eligible for licensure.

3) If the examination is not passed within one year from the first examination date attempted, the applicant shall not be permitted to retake the examination until the applicant has again successfully completed another approved medication aide program prior to re-application. Upon successful completion of the approved medication aide program, the applicant shall submit proof to the Division.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.630 Qualified Employers and Facilities

a) The Division shall review applications and issue authorizations according to the requirements of the Act and this Part. Applications shall be made on forms furnished by the Division, along with the fee required by Section 1300.30(a)(2). The application shall be signed certifying under penalties of perjury that all information contained in the application is true and accurate. Each individual facility shall file a separate application regardless of ownership. The Division shall review each application to determine whether it meets the minimum criteria and shall determine qualified applicants. If the Division determines that the number of qualified applicants exceeds the number of authorizations available, the Division may select a committee to determine the most qualified applicants in that District using the factors established in subsection (c). Upon request, the applicant may be required to supply additional copies of the application or supplemental material.

b) To be considered as a qualified facility for pilot program participation:

1) The applicant shall meet the following minimum requirements:

A) Be licensed in good standing as a skilled nursing facility by the Department of Public Health;

B) Have an overall Five Star Quality Rating of 3, 4 or 5 from the most recent data available on the Centers for Medicare and Medicaid Services website;

C) Certify that the employment of a licensed medication aide will not replace or diminish the employment of a registered nurse or licensed practical nurse at the facility;

D) Certify that a registered nurse will be on duty and present in the facility to delegate and supervise the medication administration by a licensed medication aide at all times;

E) Certify that, with the exception of licensed health care professionals, only licensed medication aides will be employed in the capacity of administering medication; and

F) Certify that they will provide information regarding patient safety, efficiency and errors as determined by the Division. Failure to submit any required report may be grounds for discipline or sanctions under the Act, the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70], or the Nursing Home Care Act [210 ILCS 45];

2) Applicant facilities must also provide:

A) A sample curriculum, course schedule, list of instructors and other educational materials or documents to demonstrate that the applicant will be able to competently provide a course of instruction for employees that fulfills the Medication Aide Curriculum set forth in Section 1300.660;

B) Copies of the two most recent annual surveys completed by IDPH.

c) The following additional factors may be used in selecting qualified facilities to participate in the medication aide pilot program:

1) An IDPH finding that the skilled nursing home has been free from deficiencies related to the administration of medications and skilled nursing care in its two most recent annual surveys;

2) Geographic location of a nursing home;

3) Number of beds for which a nursing home is licensed;

4) Number of years that a nursing home or residential care facility has been licensed;

5) Compliance and safety history of a nursing home as evidenced by the survey reports submitted with the pilot program application;

6) Whether a nursing home is owned by an individual or entity that owns or operates additional nursing homes;

7) Any other factors determined appropriate by the Department.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.640 Standards for Termination

a) The Division may terminate the participation of a skilled nursing home in the medication aide pilot program for any of the following:

1) Failure to allow representatives of the Division or IDPH to conduct site visits or to provide resident records, data, information or reports to the board in accordance with the Act and this Part, and as agreed to in the pilot program application;

2) Failure to adhere to the plan set forth in the application submitted by the nursing home;

3) Failure to assure that certified medication aides administering prescription medications in the skilled nursing home act in accordance with the standards set forth in Sections 1300.660 and 1300.670;

4) Failure to assure that certified medication aides do not have access to Schedule II controlled substances;

5) A finding by IDPH that continued participation by the skilled nursing home poses an imminent danger or risk of serious harm or jeopardy to the residents.

b) A nursing home whose participation in the pilot program is terminated by the Division in accordance with subsection (a) shall comply with the following:

1) Immediately cease using medication aides to administer prescription medications;

2) Submit to the Division all data and information necessary to satisfy reporting requirements imposed by Section 80-10(b)(6) of the Act;

3) Provide a list of the licensed medication aides employed by that facility.

c) A nursing home that voluntarily withdraws from participation in the pilot program shall comply with all of the following:

1) Provide immediate written notice to the Division that the nursing home is withdrawing from participation in the pilot program;

2) Immediately cease using certified medication aides to administer prescription medications;

3) Submit to the Division all data and information necessary to satisfy reporting requirements imposed by Section 80-10(b)(6) of the Act.

4) Provide a list of the licensed medication aides employed by that facility.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.650 Site Visits

a) During the pilot program, representatives of the Division or IDPH may conduct announced or unannounced site visits of participating nursing homes so that the Division or IDPH may assess whether the nursing home is complying with the terms of the pilot program, including but not limited to the following:

1) Evaluating whether certified medication aides are able to administer prescription medications safely to residents;

2) Determining whether continued participation in the pilot program poses an imminent danger, risk of serious harm or jeopardy to a resident;

3) Investigating medication errors or other acts or omissions required to be reported to the Division.

b) In conducting site visits of participating nursing homes, representatives of the Division or IDPH may observe the administration of medications by certified medication aides and shall have access to nursing home facility records as provided in the pilot program application.

c) A nursing home facility shall make records available to representatives of the Division or IDPH during site visits and shall provide to the Division or IDPH certified copies of resident records within 10 business days after the date requested.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.660 Approved Curriculum

a) Approved medication aide programs shall include 60 hours of classroom-based medication aide certified education that contains the following minimum components:

1) Medication Fundamentals – 20 hours

2) Safety – 7 hours

3) Communication and Documentation – 8 hours

4) Medical Administration, including, but not limited to, the administration of medications only via oral or topical routes under the direction of a registered professional nurse – 20 hours

5) Ethical and Legal Considerations – 5 hours

6) 10 hours of laboratory instruction

7) 30 hours of RN-supervised clinical practice with progressive responsibility for patient medication assistance

b) For the purpose of this Section, supervision shall mean close physical proximity to the activities performed by the student.

c) The program shall be administered or supervised by an individual who is professionally and academically qualified.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.670 Medication Aide Scope of Practice

Practice as a medication aide means a person assists with medication administration, with or without compensation, while under the supervision of a registered professional nurse (RN) in a long term care facility.

a) *A licensed medication aide may only practice in a qualified facility.*

b) *Licensed medication aides must be supervised by and receive delegation by a registered nurse that is on duty and present in the facility at all times.*

c) *Licensed medication aides shall not have a direct-care assignment when scheduled to work as a licensed medication aide, but may assist residents as needed.*

d) *Licensed medication aides shall not administer any medication until a physician has conducted an initial assessment of the resident.*

e) *Licensed medication aides shall not administer any Schedule II controlled substances as set forth in the Illinois Controlled Substances Act, and may not administer any subcutaneous, intramuscular, intradermal, or intravenous medication.* (Section 80-20 of the Act)

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 1300.680 Required Reports of Qualified Facilities

a) Qualified facilities must submit quarterly reports that include, at a minimum, the following with regard to medication aides:

1) Medication errors and the outcome of the resident.

2) Costs and other financial implications associated with the use of medication aides.

3) The benefits of the program.

4) The quality of service provided by the medication aides.

5) The challenges of the program.

6) Any other issues with regard to patient safety and efficiency.

7) The overall quality of the medication aide curriculum and adherence to sound educational and instructional principles.

8) Current list of licensed medication aides employed at the qualified facility, including termination dates and hiring dates.

b) The Division shall submit a report regarding patient safety, concerns and issues no later than 6 months after termination of the pilot program. The Division may consult with IDPH and other outside entities to develop the report.

(Source: Added at 39 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination

2) Code Citation: 35 Ill. Adm. Code 1600

3)

Section Numbers:	Proposed Action:
1600.110	Amendment
1600.300	Amendment
1600.310	Amendment
1600.315	Amendment
1600.320	Amendment
1600.325	Amendment
1600.APPENDIX A	Amendment

4) Statutory Authority: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Section 25d-7(a) of the Environmental Protection Act (Act) [415 ILCS 5/25d-3(c), 25d-7(a)]

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of November 20, 2014, in docket R14-23.

The Board originally adopted the Right to Know rules as Part 1600 on September 7, 2006. These rules implement Section 25d of the Environmental Protection Act (Act) [415 ILCS 5/25d (2012)], which requires public notification when contamination poses a threat of exposure above the appropriate remediation objectives on one or more offsite properties.

Subsequent legislative and rulemaking actions have created a gap between the environmental media of concern that require, the exposure routes identified in the Board's Tiered Approach to Corrective Action Objectives (TACO) rules, and Part 1600. The Board proposes amendments to conform Part 1600 to these recent statutory and regulatory actions. Specifically, the Board proposes to require notice to specified members of the public if measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier I remediation objectives; or measured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate Tier I remediation objectives.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois Environmental Protection Agency did not state that it used a research report or a published study or other source of underlying data to prepare the original rulemaking proposal.

7) Will this rulemaking replace an emergency rule currently in effect? No

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

9) Does this proposed 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 do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R14-23 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Interested persons may request copies of the Board's opinion and order in R14-23 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312/814-3629.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rules would affect any small business, small municipality, or not-for-profit corporation from the site of which measured office soil gas

contamination or measured offsite groundwater contamination poses a threat of exposure above specified remediation objectives.

B) Reporting, bookkeeping or other procedures required for compliance: Entities subject to the proposed amendments may be required to prepare notice, fact sheets, or community relations plans as required by the existing Right to Know regulations.

C) Types of Professional skills necessary for compliance: No professional skills beyond those required by the existing Right to Know regulations will be required to comply with the proposed amendments.

14) Regulatory Agenda on which this rulemaking was summarized: 37 Ill. Reg. 20522-24; December 20, 2013

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE O: RIGHT TO KNOW
CHAPTER I: POLLUTION CONTROL BOARD

PART 1600
STANDARDS AND REQUIREMENTS FOR POTABLE WATER SUPPLY WELL SURVEYS AND FOR COMMUNITY RELATIONS ACTIVITIES PERFORMED IN CONJUNCTION WITH AGENCY NOTICES OF THREATS FROM CONTAMINATION

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1600.110 Definitions
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1600.330 Agency Reviews of Notices, Contact Lists, Fact Sheets and Community Relations Plans
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1600.340 Compliance

1600.APPENDIX A Contents of a Model Community Relations Plan

AUTHORITY: Implementing Sections 25d-3(c) and 25d-7(a) and authorized by Sections 4(i), 25d-7(a), and 27 of the Environmental Protection Act [415 ILCS 5/4(i), 25d-3(c), 25d-7(a), and 27].

SOURCE: Adopted in R06-23 at 30 Ill. Reg. 15756, effective September 15, 2006; amended in R14-23 at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.110 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as that applied to the same words or terms in Title I or Title VI-D of the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" is the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

"Authorized party" means a person authorized by the Agency under subsection (c) of Section 25d-3 of the Act [415 ILCS 5/25d-3(c)] and Subpart C of this Part to provide notice as part of Agency-approved community relations activities in lieu of a notice required to be given by the Agency.

"Board" is the Pollution Control Board. [415 ILCS 5/3.130]

"Building control technology" means any technology or barrier that affects air flow or air pressure within a building for purposes of reducing or preventing contaminant migration to the indoor air.

"Class I groundwater quality standards" means the Class I groundwater quality

standards located at 35 Ill. Adm. Code 620.410.

"Contaminant" is any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/3.165]

~~*"Contamination" or "contaminate", when used in connection with groundwater, means water pollution of such groundwater.* [415 ILCS 5/3.170]~~

"CRP" means the community relations plan required under Title VI-D of the Act and Subpart C of this Part.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. [415 ILCS 5/58.2]

"Person performing a response action" means the person or persons~~person(s)~~ taking responsibility for addressing a release by authorizing or approving the performance of a response action (e.g., Leaking Underground Storage Tank Program owner or operator, Site Remediation Program Remediation Applicant, permittees). The phrase does not include persons who have been hired or authorized to perform the response action by the person taking responsibility for the release or persons with whom the person taking responsibility for the release has contracted or subcontracted to perform the response action.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS 5/3.395]

"Response action" means any action or series of actions taken to address a release of contaminants or its effects as may be necessary or appropriate to protect human health or the environment. A response action may include, but is not limited to, release investigation and characterization, soil remediation, and groundwater remediation.

"Soil gas" means the air existing in void spaces in the soil between the groundwater table and the ground surface. [415 ILCS 5/25d-1]

"Tier 1 remediation objectives" means the Tier 1 remediation objectives located at 35 Ill. Adm. Code 742.

"Volatile chemicals" means chemicals with a Dimensionless Henry's Law Constant of greater than 1.9 x 10^{-2} or a vapor pressure greater than 0.1 Torr (mmHg) at 25°C. For purposes of the indoor inhalation exposure route, elemental mercury is included in this definition.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS AND REQUIREMENTS FOR COMMUNITY RELATIONS ACTIVITIES

Section 1600.300 Purpose and Scope

a) The purpose of this Subpart C is to establish the minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Act when the Agency has authorized a person to provide the notice pursuant to subsections (a) and (c) of Section 25d-3 of the Act as part of the Agency-approved community relations activities. In addition, it is the purpose of this Part to ensure that these community relations activities fully inform communities and individuals in a timely manner about offsite impacts or potential impacts from soil, soil gas, or groundwater contamination, or any combination thereof~~both~~ and the responses to such impacts. This Subpart C contains the minimum requirements for the content, submission for review, distribution and implementation of notices, contact lists, fact sheets and CRPs~~community relations plans~~, and the establishment and maintenance of document repositories.

b) Subpart C Not a Limitation:

1) This Subpart C establishes minimum requirements for community relations activities when such activities are to be performed in place of a notice by the Agency in accordance with subsection (a) of Section 25d-3 of the Act. Nothing in this Subpart C is intended to prohibit or prevent a person from implementing other community relations activities sooner than required by this Subpart or under circumstances in addition to those described in this Subpart. The Agency may recommend that community relations activities be performed at other times and under other circumstances and may offer assistance with development and implementation of such activities where resources permit.

2) Nothing in this Subpart C is intended to limit in any way the Agency's authority to provide independent notice of threats of exposure to the public from soil, soil gas, or groundwater contamination, or any combination thereof~~both~~, in accordance with Title VI-D of the Act [415 ILCS 5/25d-1 through 25d-10] and implementing rules or under any other authority.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1600.310 Notices and Community Relations Plans for Limited Community Relations Activities

a) Authorized parties must comply with community relations requirements in this Section if:

1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards ~~at 35 Ill. Adm. Code 620~~ at five or fewer offsite private, semi-private, or non-community water system wells; ~~or~~

2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current uses at five or fewer offsite properties;

3~~2~~) Offsite soil contamination from the site where the release occurred poses a threat of exposure~~ to the public~~ above the appropriate Tier 1 remediation objectives for the current uses~~use(s)~~ at five or fewer offsite properties; or~~.~~

4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses at five or fewer offsite properties.

b) An authorized party, within the limits set forth in subsection (a) of this Section, must develop a notice and ~~community relations plan (~~CRP~~)~~ consisting of a contact list and fact sheet in accordance with this subsection (b).

1) Notices issued under subsection (c) of Section 25d-3 of the Act and this Part must be distributed in accordance with Section 1600.335~~1600.355~~ of this Part to the contact list as derived from subsection (b)(2) of this Section and may contain the following information:

A) *The name and address of the site or facility where the release occurred or is suspected to have occurred;*

B) *The identification of the contaminant released or suspected to have been released;*

C) *Information as to whether the contaminant was released or suspected to have been released into the air, land, or water;*

D) *A brief description of the potential adverse health effects posed by the contaminant;*

E) *A recommendation that water systems with wells impacted or potentially impacted by the contamination be appropriately tested; and*

F) *The name, business address, and phone number of persons at the Agency from whom additional information about the release or suspected release can be obtained.* [415 ILCS 5/25d-3(c)]

2) The authorized party must prepare a contact list, which must consist of ~~including, but not limited to, the following~~ affected, potentially affected, and ~~or~~ interested persons, including, but not limited to~~, as applicable~~:

A) Owners of offsite properties served by private, semi-private, or non-community water system wells that have been or may be impacted by groundwater contamination from the release;

B) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

C) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current uses;

D~~B~~) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses~~use(s)~~;

E) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses;

F~~C~~) Occupants of the properties identified in subsections (b)(2)(A), (b)(2)(C), (b)(2)(D), and (b)(2)(E)~~and (b)(2)(B)~~ of this Section to the extent reasonably practicable. The contact list must include the methods by which the authorized party has attempted to identify the occupants; and

~~D)~~ ~~Owners of properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release; and~~

G~~E~~) Officials of units~~each unit~~ of government serving the affected or potentially affected properties, including but not limited to State and federal legislators, county board chairs and county clerks, ~~township supervisors, and~~ mayors or village presidents, ~~and~~ city or

village clerks, and environmental health administrators for State and local health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(2)(A) through (b)(2)(F)~~(b)(2)(D)~~ of this Section.

3) The authorized party must develop a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2) of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. The fact sheet and any required updates must contain, at a minimum, the following information to the extent available:

A) The nature and extent of the contaminant or contaminants identified on and off the site where the release occurred;

B) A brief description of the pathway or pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;

C) A description of the appropriate actions that~~any precautionary measures~~ affected or potentially affected persons~~parties~~ should take to evaluate the potential for threats to human health via a completed exposure pathway~~avoid or reduce potential public health impacts~~, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if ~~and analysis recommendations, as~~ appropriate;

D) A non-technical description of the steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;

E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;

F) The ~~nature of the~~ closure documentation expected from the Agency (e.g., focused or comprehensive No Further Remediation (NFR) Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, ~~or~~ institutional controls, or building control technologies);

G) Responses to key community concerns as expressed by affected, potentially affected, and interested persons~~parties~~;

H) The date of preparation of the fact sheet, the name of the representatives~~representative(s)~~ of the business, site or facility from whom information and site-related documents may be obtained, and e-mail address, postal address and telephone number where the representatives~~representative(s)~~ can be reached; and

I) The name, e-mail address, postal address, and telephone number of the Agency's designated staff person and a statement that additional information and site-related documents may be available by contacting the Agency's designated staff person or by filing a request for site-specific information with the ~~appropriate~~ Agency ~~bureau~~ in accordance with the Freedom of Information Act [5 ILCS 140].

c) For information that is not available when a fact sheet is prepared pursuant to subsection (b)(3) of this Section, the submission of the fact sheet to the Agency for review must be accompanied by an explanation of why the information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet.

d) Fact sheets and contact lists developed in accordance with this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of

contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1600.315 Notices, Fact Sheet and Community Relations Plans for Expanded Community Relations Activities

a) Authorized parties must comply with the community relations requirements in this Section if:

1) Measured or modeled groundwater contamination from the site where the release occurred (including the impact from soil contamination in concentrations exceeding the applicable remediation objectives for the soil component of the groundwater ingestion exposure route) poses a threat above the Class I groundwater quality standards ~~at 35 Ill. Adm. Code 620~~ at more than five offsite private, semi-private, or non-community water system wells or one or more community water system wells; ~~or~~

2) Measured offsite groundwater contamination from volatile chemicals from the site where the release occurred poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current uses at more than five offsite properties;

3~~2~~) Offsite soil contamination from the site where the release occurred poses a threat of exposure ~~to the public~~ above the appropriate Tier 1 remediation objectives for the current uses~~use(s)~~ at more than five offsite properties; or~~.~~

4) Measured offsite soil gas contamination from the site where the release occurred poses a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses at more than five offsite properties.

b) An authorized party exceeding the limits set forth in subsection (a) of this Section must develop a notice and a CRP~~community relations plan~~ and fact sheet in accordance with this subsection (b). Appendix A of this Part contains the outline

of a model CRP~~community relations plan~~ that may be appropriate for a site subject to this Section.

1) Notices must be developed in accordance with subsection (b)(1) of Section 1600.310 of this Part and distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)(D) of this Section.

2) The CRP must be implemented in accordance with Section 1600.335 of this Part and must include, but is not limited to, the following elements to the extent related to the contaminant or contaminants being addressed in the response action:

A) A description of the site or facility and details of the release and any related soil, soil gas, or groundwater contamination;

B) A list of community issues and concerns collected from affected, potentially affected, and interested persons~~parties~~ identified though the process outlined in subsection (b)(2)(D) of this Section;

C) A community relations program including elements of outreach, methods for maintaining a dialogue with affected, potentially affected, and interested persons~~parties~~, and a schedule for activities and objectives; and

D) The process for identifying and updating the contact list, which must consist of affected, potentially affected, and interested persons~~parties~~, including, but not limited to:

i) Owners of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;

ii) Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

iii) Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

iv) Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current uses;

v~~iv~~) Owners of offsite properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses~~use(s)~~;

vi) Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses;

vii~~v~~) Occupants of the properties identified in subsections (b)(2)(D)(i), ~~and~~ (b)(2)(D)(iv), (b)(2)(D)(v), and (b)(2)(D)(vi) of this Section to the extent reasonably practicable. The CRP~~community relations plan~~ must include the methods by which the authorized party will attempt to identify the occupants;

viii~~vi~~) Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to subsections (b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix) of this Section~~Local, State and federal officials whose jurisdiction covers the affected and potentially affected properties, including: mayor or village president, city or village clerk, township supervisors,~~

~~county board chair and county clerk, city and county health department administrator, State and federal legislators~~; and

ix~~vii~~) Citizens, identified groups, organizations or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrators, parent organization ~~Parent - Teacher Association~~ leaders; day care center, senior center, and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

3) Along with the development of a notice and CRP in accordance with subsections (b)(1) and (b)(2) of this Section, the authorized party must develop and distribute a fact sheet for the release and response action. The fact sheet must be distributed in accordance with Section 1600.335 of this Part to the contact list as derived from subsection (b)(2)(D)~~(b)(1)(D)~~ of this Section. The fact sheet must be written clearly and concisely in non-technical, non-legal terminology. If a significant portion of the population surrounding the site where the release occurred is non-English speaking, the fact sheet and any updates to the fact sheet must be produced and distributed in ~~both~~ English and any other~~another~~ predominant languages spoken in the affected area~~language~~. The fact sheet and any required updates must contain, at a minimum, the following information to the extent available:

A) The nature and extent of the contaminant or contaminants identified on-site and off-site of the site where the release occurred;

B) A brief description of the pathway or pathways of potential exposure and the potential adverse public health effects posed by the contaminant or contaminants;

C) A description of the appropriate actions that~~any precautionary measures~~ affected or potentially affected persons~~parties~~ should take to evaluate the potential for threats to human health via a completed exposure pathway~~avoid or reduce potential public health impacts~~, including potable water supply well sampling, soil gas sampling, and any other actions, as well as any precautionary measures necessary to avoid or reduce public health impacts, if ~~recommendations, as~~ appropriate;

D) A non-technical description of the steps that are proposed to address the contamination, including, but not limited to, soil excavation and treatment, disposal or redistribution, pump-and-treat, bio-remediation, reliance on engineered barriers or institutional controls, groundwater monitoring, building control technologies, and so forth;

E) The anticipated remediation schedule through completion of the project, including any operation, maintenance, or monitoring following construction of the remedy;

F) The~~ nature of the~~ closure documentation expected from the Agency (e.g., focused or comprehensive NFR Letter, permit modification, or Section 4(y) letter) and a summary of the contents of the closure documentation (e.g., reliance on engineered barriers, ~~or~~ institutional controls, or building control technologies);

G) Responses to key community concerns as expressed by affected, potentially affected, and interested persons~~parties~~;

H) The World Wide Web address of the Document Repository established pursuant to Section 1600.320 of this Part and the address and hours of the document repository established at a physical location, if also required pursuant to Section 1600.320 of this Part;

I) The date of preparation of the fact sheet, the name of the representatives~~representative(s)~~ of the business, site or facility from whom information and copies of repository and other site-

related documents may be obtained, and e-mail address, postal address and telephone number where the representatives~~representative(s)~~ can be reached; and

J) The name, e-mail address, postal address and telephone number of the Agency's designated staff person and a statement that additional information and site-related documents may be available by contacting the Agency's designated staff person or by filing a request for site-specific information with the ~~appropriate~~ Agency ~~bureau~~ in accordance with the Freedom of Information Act [5 ILCS 140].

c) For information that is not available when a fact sheet is prepared pursuant to subsection (b)(3)~~(2)~~ of this Section, the submission of the fact sheet to the Agency for review shall be accompanied by an explanation of why the information is unavailable at the time of the submission of the fact sheet and an estimate of when the missing information will be supplied in a revised fact sheet.

d) Updates

1) Fact sheets developed in accordance with subsection (b)(3)~~(2)~~ of this Section must be updated and redistributed whenever new information is obtained or developed or circumstances change so that there is a material change to the information required or provided in the fact sheet (e.g., completion of site investigation and characterization of the nature and extent of contaminants, higher concentrations of contaminants than previously detected, evidence of additional contaminants of concern or of a larger area affected by contamination, approval of plans or reports, completion of response action activities).

2) The CRP, including, but not limited to, the contact list must be reviewed on a regular basis and updated, as necessary, to ensure that timely and accurate information is provided to affected, potentially affected and interested persons~~parties~~ and communities about releases of contaminants with actual or potential impacts to offsite wells, offsite property uses, or both. A current version of the publicly available CRP must be kept in the document repository described in Section 1600.320.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1600.320 Establishment of Document Repository

Authorized parties developing a CRP pursuant to Section 1600.315 of this Part also must establish a document repository for the purpose of displaying documents and providing copies of those documents. The document repository must be established at a World Wide Web site. A document repository at a physical location as described under subsection (c) of this Section also must be established if a request for a repository at a physical location is made to the authorized party or to the Agency.

a) The document repository must include the notice, CRP~~community relations plan~~, all public notices (e.g., proof of publication for newspaper or other published notices, letters, door hangers, or other forms of public notification), all fact sheets, all applications, plans and reports submitted to the Agency for review and approval and subsequent Agency comment packages, and all final determinations by the Agency, such as an NFR~~a No Further Remediation~~ Letter, permit modification, or other project completion documentation.

1) The authorized party must update the repository promptly and continuously as notices, fact sheets, plans, reports, comment packages, and Agency decisions are generated throughout the process.

2) The documents must be created, organized and indexed so that affected, potentially affected, or interested persons can identify, locate, and download documents of interest.

3) The repository must include the business, site or facility representative's e-mail, postal address, and telephone number where inquiries can be directed and persons can request copies of repository documents and other site-related documents by mail.

b) Repositories at World Wide Web Sites

1) The documents must be in a readily available format for downloading and printing (e.g, portable document format (.pdf), graphic interchange format (.gif), tagged image file format (.tiff), joint photographic group format (.jpg)) with links to web sites where software to view and print the documents may be downloaded.

2) Documents that cannot be converted to a readily available format for downloading and printing must be described in the document index, identified as available upon request, and made available in accordance with subsection (a)(3) of this Section.

3) System capacity must be sufficient to support the viewing and downloading of the documents in the repository and to accommodate the anticipated number of viewers.

c) Repositories at Physical Locations

1) Repositories established at physical locations must be established no later than ten business days after receipt of a request for a repository at a physical location or receipt of the Agency's notification that a request has been made to the Agency, whichever is earlier.

2) Repositories established at a physical location must be at a public location (e.g., public library, city hall) and open to the public at times convenient to affected, potentially affected, or interested persons.

d) Information deemed trade secrets or non-disclosable in accordance with Board procedures at 35 Ill. Adm. Code 130 or Agency procedures at 2 Ill. Adm. Code 1828 may be redacted or excluded from the repository consistent with the requirement for providing the public all documents that have not been deemed confidential. Information to be added to the document repository also must be screened to ensure that personal information identifying affected, potentially affected, or interested persons or their exact property locations is not disclosed.

e) The document repository may be discontinued no less than 180 days after the recording of the NFR Letter or the issuance of other project completion documentation by the Agency (e.g., permit modification, closure letter, "4(y) letter" (see 415 ILCS 5/4(y))).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1600.325 Submission of Notices, Contact Lists, and Fact Sheets and Community Relations Plans for Review

a) Except as provided in subsection (b) of this Section or Section 1600.330(d) of this Part, authorized parties must, within 30 days after the date of their acceptance:

1) Submit to the Agency a notice and CRP~~community relations plan~~ satisfying the requirements of Section 1600.310(b) of this Part or a notice, CRP, fact sheet, and contact list satisfying the requirements of Section 1600.315(b) of this Part; and

2) Establish a World Wide Web~~web~~ site document repository if required in accordance with Section 1600.320 of this Part.

b) Updates of CRPs, fact sheets or both and updates of contact lists prepared pursuant to Section 1600.310(d) or Section 1600.315(d) of this Part also must be submitted for Agency review in accordance with subsection (a) of this Section, except that the updates must be submitted to the Agency within ten days after preparing the revised CRP or developing or obtaining new information that would materially change the information required or provided in the fact sheet.

c) If authorized by the Agency, CRPs, notices, contact lists or fact sheets may be filed in specified electronic formats.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1600.APPENDIX A Contents of a Model Community Relations Plan

This Appendix A lists the four key elements of a CRP~~community relations plan~~ for an authorized party proceeding under Section 1600.315 of this Part and several factors that might be included with each element in a CRP~~community relations plan~~ prepared for the site where the release occurred. Unless otherwise required by rule, all the factors listed with each element may not be necessary for each site developing and implementing a CRP~~community relations plan~~ pursuant to this Part, but each factor should be considered when developing the CRP~~community relations plan~~.

1. Site/Facility Description: The CRP should provide ~~for the development~~ a brief overview of the site where the release occurred, including, but not limited to, a description of the business, site or facility, its current operations, previous land uses and previous remedial activities; the nature and extent of known contamination; and the known or potential threat to public health and the environment. The overview should include a map to an appropriate scale detailing the site location and surrounding area and showing roads and streets, homes and businesses, and geographic and other significant features.

2. Community Issues and Concerns: The CRP should provide ~~for the development of~~ a brief summary of the demographics of the area surrounding the site where the release occurred, including, but not limited to, the approximate percentage of non-English speaking persons among the affected, potentially affected and interested persons~~parties~~ and their preferred language or languages, key community concerns, and any preferred methods of communication as learned through research work, interviews, and surveys of a representative sample of affected, potentially affected, and interested persons~~parties~~ identified through the process outlined in the fourth element below.

3. Community Relations Program: The CRP should describe the community relations program objectives, action plan, and schedule to keep affected, potentially affected, and interested persons~~parties~~ apprised of conditions at the site, response actions, and actual or potential public health impacts. This section also should explain how the public will be notified of mailings or meetings. The contact persons~~person(s)~~ and contact information for public inquiries should be clearly defined. Additionally, details about the location of, and access to, the document repository should be outlined in this section of the CRP.

4. Contact List: The CRP should outline the process for identifying and updating a contact list and developing a contact database of affected, potentially affected, and interested persons,~~parties~~ including, but not limited to:

A. Owners~~ and occupants~~ of offsite properties served by private, semi-private, or non-community water systems that have been or may be impacted by groundwater contamination from the release;

B. Owners and operators of community water system wells that have been or may be impacted by groundwater contamination from the release;

C. Owners of offsite properties without potable water supply wells but with groundwater that has been or may be impacted by groundwater contamination from the release;

D. Owners of offsite properties with buildings located above groundwater with measured contamination from volatile chemicals that poses a threat of indoor inhalation exposure above the appropriate Tier 1 remediation objectives for the current uses;

E.~~D.~~ Owners~~ and occupants~~ of offsite~~off-site~~ properties with soil contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses~~use(s)~~;

F. Owners of offsite properties with measured soil gas contamination posing a threat of exposure above the appropriate Tier 1 remediation objectives for the current uses;

G~~E~~. Occupants of properties identified in paragraphs A, D, E, and F~~D~~ to the extent reasonably practicable. The CRP~~community relations plan~~ must include the methods by which the authorized party will attempt to identify the occupants;

H~~F~~. Officials of units of government serving the affected and potentially affected properties, including but not limited to federal and State legislators, county board chairpersons and county clerks, mayors or village presidents, city or village clerks, and environmental health administrators for State and county health departments. Officials of specialized districts (e.g., school, drainage, park districts) may be excluded from the contact list unless required pursuant to Section 1600.315(b)(2)(D)(i) through (b)(2)(D)(vii), or (b)(2)(D)(ix)~~Local, State and federal officials whose jurisdiction covers the affected and potentially affected properties including: mayor or village president, city or village clerk, township supervisors, county board chair and county clerk, city and county health department administrator; State and federal legislators~~; and

I~~G~~. Citizens, identified groups, organizations, or businesses within a minimum of 1,000 feet from the site where the release occurred that may have an interest in learning about affected and potentially affected properties (e.g., public and private school administrators, parent organization~~Parent - Teacher Association~~ leaders; day care center, senior center and nursing home management; neighborhood or homeowner association or other community leaders as identified; hospital and clinic management; and recognized environmental or citizen advisory groups). If approved by the Agency, the initial minimum distance of 1,000 feet may be expanded or contracted as the CRP and contact list are updated based on new information developed during the response action.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Quality of Life Code

2) Code Citation: 77 Ill. Adm. Code 974

3)

Section Numbers:	Proposed Action:
974.10	New Section
974.20	New Section
974.30	New Section
974.100	New Section
974.110	New Section
974.120	New Section
974.130	New Section
974.140	New Section
974.150	New Section
974.160	New Section
974.170	New Section
974.180	New Section
974.190	New Section
974.200	New Section
974.210	New Section
974.300	New Section
974.310	New Section
974.320	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Lottery Law [20 ILCS 1605/21.8]; Section 2310-348 of the Civil Administrator Code of Illinois [20 ILCS 2310/2310-348]; Section 5.699 of the State Finance Act [30 ILCS 105/5.699]

5) A Complete Description of the Subjects and Issues Involved: The Quality of Life Endowment Fund was created as a special fund in the Illinois State Treasury. The net revenue from the Quality of Life special instant lottery scratch-off game is deposited into the Fund for appropriation by the Illinois General Assembly solely to the Illinois Department of Public Health to support HIV prevention and treatment engagement services for people living with HIV Disease by making grants to public or private entities in Illinois that serve people living with HIV disease and/or the highest at-risk populations for acquiring HIV infection. Creating rules for the Quality of Life Grants will establish guidelines and procedures for the Illinois Department of Public Health for implementation, including eligibility and application requirements, of the grant funds.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2014

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 974
QUALITY OF LIFE CODE

SUBPART A: GENERAL PROVISIONS

Section
974.10 Definitions
974.20 Referenced Materials
974.30 Administrative Hearings

SUBPART B: QUALITY OF LIFE GRANTS

Section
974.100 Eligibility for Grant Award
974.110 Request for Application
974.120 Grant Application Process and Procedure
974.130 Application Review Process
974.140 Grant Award and Grant Agreement
974.150 Grant Reporting
974.160 Grant Monitoring
974.170 Use of Grant Funds
974.180 Suspension or Termination of Grant Award
974.190 Grant Funds Recovery

SUBPART C: INTERVENTION SERVICES AND TRAINING REQUIREMENTS

Section
974.200 Intervention Staff and Training Requirements
974.210 Intervention Service Requirements

SUBPART D: QUALITY OF LIFE BOARD

Section
974.300 Board Membership
974.310 Membership Term of Service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

974.320 Board Responsibilities

AUTHORITY: Implementing and authorized by Section 21.8 of the Illinois Lottery Law [20 ILCS 1605/21.8]; Section 2310-348 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-348]; Section 5.699 of the State Finance Act [30 ILCS 105/5.699].

SOURCE: Adopted at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 974.10 Definitions

"Act" means the Illinois Lottery Law.

"AIDS" means acquired immunodeficiency syndrome (Section 3(b) of the AIDS Confidentiality Act).

"Applicant" means an entity that submits an application for grant funding. An applicant can be a nonprofit entity, educational institution, or governmental entity, including, but not limited to, a local health department, community-based organization, or health care facility.

"At-risk populations or categories" means those populations with the highest incidence of HIV/AIDS reported by the Illinois Department of Public Health within the last three years, including, but not limited to, men who have sex with men (MSM), high risk heterosexuals (HRH), injection drug users (IDU), MSM/IDU or other populations determined, based on epidemiological data, to be at risk for contracting HIV.

"Award letter" means the letter to the applicant that states that the applicant is being awarded funding.

"Clinical Laboratory Improvement Amendments of 1988 waiver" or "CLIA waiver" means the certificate for test systems cleared by the Food and Drug Administration for home use and those tests approved for waiver under the CLIA criteria.

"Community based organization" or "CBO" means a public or private nonprofit business entity that is granted tax-exempt status by the Internal Revenue Service

(IRS) and that is representative of a community or a significant segment of a community and is engaged in meeting human, educational, environmental, and public health needs.

"Department" means the Illinois Department of Public Health.

"Direct costs" means costs that can be traced directly to, or identified with, the implementation of a specific program or project.

"Fund" means the Quality of Life Endowment Fund created in the Act.

"Grant" means an award by the Department of assistance, whether financial or otherwise, to any eligible person or entity to support a program authorized by law. The term does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the Department, whether in the form of goods or services.

"Grant agreement" means a legally binding written understanding between the Department and a grantee specifying terms for a grant's expenditure and reporting.

"Grantee" means the person or entity that *may use grant funds* in accordance with a grant agreement with the Department (Section 2 of the Illinois Grant Funds Recovery Act).

"Grant funds" means *any public funds dispensed by* the Department *to any person or entity for obligation, expenditure, or use by that person or entity for a specific purpose or purposes* (Section 2(b) of the Illinois Grant Funds Recovery Act).

"Grant period" means the time during which money is to be spent by grantees.

"Grant project manager" means the person in the Department program who coordinates the grant process at the program level.

"Health care facility" or "facility" means any institution, building or agency, or portion of any institution, building or agency, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS (Section 3(c) of the AIDS Confidentiality Act).

"HIV infection" means infected with HIV as evidenced by a positive or reactive supplemental laboratory test result.

"Indirect costs" means the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the activities it performs. Indirect costs include the costs of operating and maintaining facilities, equipment and grounds; depreciation or use allowances; and administrative salaries and supplies.

"Intervention"means a specific activity or set of related activities intended to change the knowledge, attitudes, beliefs, behaviors or practices of individuals and populations to reduce their health risk, including, but not limited to, health education and risk reduction (HERR) and counseling, testing and referral (CTR). An intervention has distinct process and outcome objectives and a protocol outlining the steps for implementation. The following are types of HIV prevention interventions:

"Behavioral interventions" means individual, group, couple and community-level interventions that modify behaviors that facilitate the acquisition or transmission of HIV.

"Biomedical interventions" means the use of medical, clinical and public health approaches designed to moderate biological and physiological factors to prevent HIV infection, reduce susceptibility to HIV and decrease HIV infectiousness.

"Evidence-based interventions" means a prevention service that has been proven to positively affect the targeted outcome based on some form of evaluation.

"Public health strategies" means interventions that are time-tested procedures used by public health practitioners in the prevention, screening, diagnostic or treatment processes. They are based on established principles of public health, including primary, secondary and tertiary prevention, and may include a range of activities.

"Local health department" means the official health department or board of health having jurisdiction over a particular area.

"Nonprofit" means a corporation described in the General Not-for-Profit Corporation Act of 1986.

"Prevention education" means the practice of providing instruction on methods or activities that seek to reduce or deter specific or predictable problems, protect the current state of well-being, encourage individuals to protect their own health and the health of those in their community, and promote desired outcomes or behaviors.

"Project" or "service" means a sequence of tasks with defined outcomes and deliverables, a defined beginning, end, schedule, and organized approach, which is funded by the Department to address a public health need, goal or objective.

"Request for application" or "RFA" means a document that the Department posts to invite grant applications from potential applicants to accomplish the tasks and goals of a specific grant program.

"Subgrantee" means a recipient of an award of financial assistance in the form of money or property by a grantee or by a subgrantee to a lower tier subgrantee. A subgrant includes financial assistance when provided by contractual legal agreement, even if the agreement is called a contract, but does not include the procurement of goods and services by the grantee.

Section 974.20 Referenced Materials

a) State of Illinois Statutes

1) Illinois Lottery Law [20 ILCS 1605]

2) Civil Administrative Code of Illinois [20 ILCS 2310]

3) AIDS Confidentiality Act [410 ILCS 305]

4) Illinois Grant Funds Recovery Act [30 ILCS 705]

5) General Not-for-Profit Corporation Act of 1986 [805 ILCS 105]

6) Code of Civil Procedure [735 ILCS 5]

7) Administrative Review Law [735 ILCS 5/Art. III]

b) Federal Statutes

Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 USC 263)

c) State of Illinois Administrative Rules

Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

Section 974.30 Administrative Hearings

Administrative hearings conducted by the Department concerning this Part will be governed by the Department's Practice and Procedure in Administrative Hearings.

SUBPART B: QUALITY OF LIFE GRANTS

Section 974.100 Eligibility for Grant Award

To be eligible to receive a grant from the Fund, the applicant shall meet all of the following criteria:

a) *The* applicant *organizations must be engaged in HIV/AIDS-prevention education and HIV/AIDS healthcare treatment* in Illinois (Section 21.8 of the Act);

b) The applicant organization shall be physically located within the community to be served in Illinois;

c) The applicant organization may be a nonprofit entity, educational institution, or governmental entity, including, but not limited to, a local health department, community-based organization, or health care facility;

d) The applicant organization shall be in good standing with the Illinois Secretary of State and be duly authorized to transact business in the State of Illinois;

e) The applicant organization shall provide services to individuals or families impacted by HIV; and

f) The applicant organization shall be in existence for a minimum of three years prior to applying for a grant award.

Section 974.110 Request for Application

a) It is the policy of the Department that grants are to be competitively awarded as much as possible.

b) The Department will conduct a competitive grant review process using review criteria that are identified in the notice of grant opportunity or request for application (RFA) and a scoring system to rate each application against the chosen criteria.

c) The RFA will communicate the Department's grant program information to assist potential applicants in determining whether and how to submit an application. The RFA will include the following elements:

1) A description of the grant program;

2) The Department's goals and priorities in making the grants;

3) The eligibility requirements for applicants;

4) Whether a letter of intent, pre-application, or pre-qualification is required;

5) Grant outcome expectations and reporting requirements;

6) The deadlines and timelines for each step in the application and award process;

7) The amount of funding available and how the funding will be allocated;

8) Selection criteria and weight;

9) General information about the review process;

10) Any requirements for in-kind or matching funds;

11) The name and contact information of the Department's grant project manager; and

12) A statement about when information in the grant application becomes public data.

d) The Department will post all grant RFAs on the Department's website (https://idphgrants.com). The Department will also consider additional methods to reach potential applicants, including, but not limited to, US mail, electronic mail, and newspaper publication.

e) Applications may be modified or withdrawn by written notice received by the grant project manager prior to the time and date set for the application deadline. All documents related to modification or withdrawal of an application will be made a part of the grant file.

f) The grant project manager will examine the applications to determine the validity of any written requests for nondisclosure of any trade secrets or other proprietary data. If the parties do not agree to the disclosure of data or other information, the application will be rejected as nonresponsive.

g) The successful applicants will be notified of the award; notification may be in the form of a letter or other written communication. Notice of award may also be posted on the Department's website (https://idphgrants.com).

h) The RFA will specify that overall agency operating budget *size will determine an organization's competitive slot* in the application process (Section 21.8 of the Act).

i) To ensure that effective HIV prevention interventions are funded in accordance with *at-risk populations in proportion to the distribution of recent reported Illinois HIV/AIDS cases among risk groups as reported by the Department* (Section 21.8 of the Act), the RFA will include:

1) Department-approved interventions;

2) Definitions of at-risk populations; and

3) Department training requirements for approved HIV interventions.

Section 974.120 Grant Application Process and Procedure

a) *Any organization, public or private, desiring to receive grant funds must submit a grant application to the* Department. *Applications for grant funds shall be made on prescribed forms developed by the* Department. (Section 4(a) of the Illinois Grant Funds Recovery Act)

b) The Department will provide application instructions to potential applicants.

c) Completed applications shall be returned to the Department at the address indicated on the grant application form or submitted electronically as directed. All applications shall be submitted in the format prescribed by the Department and *shall include, without being limited to, the following provisions*:

1) *The name, address, chief officers and general description of the applicant* (Section 4(a)(1) of the Illinois Grant Funds Recovery Act);

2) A copy of the Applicant's W-9, Request for Taxpayer Identification Number and Certification;

3) The applicant's grant funding history, i.e., whether the applicant has received a grant from the federal government or the State of Illinois within the last three years; if yes, the agency providing the funding, the grant number, grant amount, grant term, and a brief description of the grant;

4) Information concerning the applicant's background and financial standing, including the applicant's overall annual budget;

5) The following information concerning the applicant's organization:

A) Legal status;

B) Federal Employer Identification Number (FEIN);

C) If applicable, all names and FEINs that are registered to the organization or have been registered during the last three years;

D) Data Universal Numbering System (DUNS) Number;

E) Illinois Department of Human Rights Number, if applicable;

F) Legislative House District, Legislative Senate District, and Congressional District;

6) *A general description of the program, project or use for which grant funding is requested* (Section 4(a)(2) of the Illinois Grant Funds Recovery Act);

7) *Plans, equipment lists and other documents as may be required to show the type, structure and general character of the program, project or use for which grant funding is requested* (Section 4(a)(3) of the Illinois Grant Funds Recovery Act);

8) A scope of work for the funding period, including, but not limited to:

A) A detailed description/information about the proposed project;

B) Expected outcomes;

C) A description of the evaluation methods to be used, a plan for monitoring the overall project, and how outcomes and objectives will be measured;

D) A list of goals to be accomplished during the grant period;

E) A proposed timeline;

F) Objectives by quarter with a list of tasks that will be implemented to accomplish the objectives; and

G) A personnel chart, only if an applicant has allocated grant funding toward salaries or wages. The chart shall provide the individual's name, position title and role, percentage of time dedicated to the grant project, and the amount budgeted to support the percentage of time invested in the project;

9) *Cost estimates of developing, constructing, operating or completing the program, project or use for which grant funding is requested* (Section 4(a)(4) of the Illinois Grant Funds Recovery Act);

10) *A program of proposed expenditures for the grant funds* (Section 4(a)(5) of the Illinois Grant Funds Recovery Act). The program shall be in the form of a detailed budget for the funding period, documenting sufficient resources to complete the objectives addressed in the work plan. The budget shall be by line item category and shall provide justification for the use of grant funds to support the project activities. The applicant shall indicate the total amount of funding requested from the Department and other sources of funding that are available to support the project, if applicable;

11) An approximate timetable for project completion; and

12) The signature of the principal investigator or organization official who is authorized to certify the application.

Section 974.130 Application Review Process

a) The Department will accept applications for grant awards during the period specified in the RFA or the grant application.

b) The Department will, based on the organization's annual budget (see Section 974.120(c)(4)) determine an organization's competitive slot in the application process as outlined in Section 21.8 of the Illinois Lottery Law.

1) *Organizations with an annual budget of $300,000 or less,* Category A, *will compete with like size organizations for 50% of the Quality of Life annual fund.*

2) *Organizations with an annual budget of $300,001 to $700,000,* Category B, *will compete with like organizations for 25% of the Quality of Life annual fund.*

3) *Organizations with an annual budget of $700,001 and upward,* Category C, *will compete with like organizations for 25% of the Quality of Life annual fund.*

c) If funds remain in Category A, B or C due to an insufficient number of applications received or due to ineligibility based on application scores, the unused portion from other funding categories may be used for the remaining eligible applicants from the other categories.

d) The Department will perform a technical review to ensure that all required materials are submitted and comply with submission requirements. The review will include whether the application form includes all required information and the applicant's signature and date of signature.

e) Applications will be excluded from consideration for award for the following reasons:

1) Applications are not submitted by the deadline.

2) Applications are missing requested information or required attachments.

3) Applications do not meet all eligibility requirements.

f) The Department will perform a qualitative review to assess the quality of the project in relation to the grant program mentioned in the RFA, statutory requirements, or any other prerequisites corresponding to that particular grant program. The objectives, timeline, budget and budget justification will be evaluated to ensure that they are realistic and necessary for the project. Past performance of the applicant will be considered if the applicant has received Department grants in the past.

g) Grant applications will be scored based on a scoring rubric. Applications scoring 80-100 will receive grant awards based on available funding. Applications scoring 71-79 will require application revisions and may receive grant awards based on application revisions and available funding. Applications scoring 70 or below will not be considered for grant awards. Application revisions may include, but are not limited to, adjusting the budget or adjusting the scope of work.

h) The grant review will include specific objectives within each of the following criteria:

1) Design and implementation of the grant project (e.g., target audience, summary, measurement strategies);

2) Scope of Work − Overall goals and objectives (e.g., alignment with grant guidelines, realistic goals, objectives fully and completely stated, and measurement tactics clearly articulated for each objective);

3) Timeline (e.g., detailed, realistic and feasible; anticipated obstacles described with strategies to overcome); and

4) Budget detail and justification (e.g., complete and precise, likely to lead to accomplishment of objectives).

i) Applicants will be notified as to whether the grant application is approved, eligible for resubmission, or denied.

j) In addition to the scoring rubric, and based on the particular grant requirements, the Department may consider factors such as geographic need, the ability to serve special populations, and the grantee's history of compliance with grant requirements in determining whether to approve a grant application. Additional criteria will be specified in the RFA.

k) *The Department must, before grants are awarded, provide copies of all grant applications to the Quality of Life Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants* (Section 21.8 of the Act).

Section 974.140 Grant Award and Grant Agreement

a) Applicants will be notified of their award status by means of an award letter or nonaward letter. Letters will contain information concerning the amount of the grant award, the dates of the grant agreement, the project name, the State's budget, and, as applicable, federal requirements.

b) Distribution of grant funds is dependent on available funding.

c) Grant funds will be awarded in amounts and at time intervals specified in the grant agreement.

d) An award to an applicant will not be final until the applicant and the Department have executed and delivered a grant agreement setting forth the terms and conditions of the grant, using the form prescribed by the Department. The Department will retract the award of a grant if an agreement cannot be reached on the terms of the grant agreement.

e) Pursuant to the Illinois Grant Funds Recovery Act, the grant agreement shall:

1) *Describe the purpose of the grant and be signed by the* Department *and all grantees of the grant;*

2) *Specify* how *payments shall be made, what constitutes permissible expenditure of the grant funds, and the financial controls applicable to the grant;*

3) *Specify the period of time for which the grant is valid and the period of time during which grant funds may be expended by the grantee;*

4) *Contain a provision that any grantees receiving grant funds are required to permit the* Department, *the Auditor General or the Attorney General to inspect and audit any books, records or papers related to the program, project or use for which grant funds are provided;*

5) *Contain a provision that all grant funds remaining at the end of the grant agreement or at the expiration of the period of time grant funds are available for expenditure or obligation by the grantee shall be returned to the State within 45 days; and*

6) *Contain a provision in which the grantee certifies under oath that all information in the grant agreement is true and correct to the best of the grantee's knowledge, information and belief; that all funds shall be used only for the purposes described in the grant agreement; and that the award of grant funds is conditioned upon* the *certification.* (Section 4(b) of the Illinois Grant Funds Recovery Act)

Section 974.150 Grant Reporting

a) Grantees shall submit written reports of the progress toward achieving objectives as set forth in this Section or in accordance with the grant agreement.

b) Reports shall include the following:

1) A description of the current status of the grant project in accordance with the time frames set forth in the grant agreement;

2) Documentation of the progress in meeting each program objective in accordance with the time frames set forth in the grant agreement;

3) Rationale for any proposed revisions in the evaluation methods or monitoring plan;

4) A listing of expenditures of the grant funds and a comparison of the actual expenses to the budget projections and time frames set forth in the grant agreement;

5) A projection of methods and time frames needed to accomplish the pending objectives within the time frame remaining (except for the end of project report); and

6) A summary at the close of the grant period of the achievements and conclusions derived as a result of the project.

Section 974.160 Grant Monitoring

a) Grants will be monitored throughout the grant period. Components in the monitoring process include, but are not limited to, the grant agreement; grantee financial reports; grantee progress reports; invoices and requests for reimbursement; and correspondence, e-mails and telephone calls concerning the grant.

b) The grantee shall cooperate with the Department's efforts to monitor and verify the grantee's compliance with applicable law and the grant agreement, including providing supporting documentation.

c) Grantees shall maintain the processes necessary to monitor their compliance, take appropriate action to meet the stated objectives, and notify the Department of any breaches of the grant agreement, problems or concerns.

d) Grantees shall be subject to on-site visits by the Department during normal business hours. Grantees shall provide, upon request, copies of all documents concerning the expenditure of grant funds.

e) Grantees are responsible for holding any subgrantee to the standards required in the grant agreement.

f) The Department will relay any questions and concerns regarding management of grant funds to the grantee in writing. The grantee will be requested to respond in writing, addressing the concerns. If the Department's concerns are not satisfied, a financial review or audit will be conducted.

g) If the Department finds evidence of financial mismanagement, depending on the severity of the situation, the amount of money involved, and the grantee's response to the situation, the Department will either place the grantee on a corrective action plan and hold subsequent invoices until the issue is resolved, or terminate the grant.

Section 974.170 Use of Grant Funds

a) *Grant funds may not be used except pursuant to a written grant agreement* between the grantee and the Department (Section 4 of the Illinois Grant Funds Recovery Act).

b) *The grant funds may not be used for institutional, organizational or community-based overhead costs, indirect costs or levies* (Section 21.8 of the Act).

c) Funds shall be used only for the direct cost of administering, operating and maintaining a project or service in accordance with the requirements of the grant agreement. Examples of direct costs that may be allowable under the grant agreement include: personal services costs, such as salaries; contractual services costs, such as fees for consultants; travel costs for personnel to carry out authorized activities; training and education costs; supplies or commodities that

are required in the operation of a grant project; equipment directly related to the operation of a grant project.

d) Grant funds shall not be used for promotional expenses, including, but not limited to, calendars, pens, buttons, pins, magnets, gift cards, posters, stationery and any other similar items.

e) The grantee shall document actual expenditures incurred for the purchase of goods and services that are necessary for conducting project activities or services. These expenditures shall be in accordance with a budget approved by, and on file with, the Department.

f) Payments to the grantee shall be on a reimbursement basis. The grantee shall use the designated reimbursement process in the RFA to request reimbursement. The grantee shall document actual expenditures for the purchase of goods and services necessary to carry out the objectives of the grant. Expenditures shall be itemized on the form to establish an audit trail for future verification of the appropriate use of grant funds.

g) The grantee shall submit requests for reimbursement monthly throughout the period of the grant. The final request for reimbursement shall be submitted within 45 calendar days after the end of the funding period.

h) Line-item budget adjustments to reallocate awarded funds shall be submitted to the Department on Department-provided forms.

i) Requirements concerning subgrantees shall be set forth in the grant agreement. *If any person or entity that obtains grant funds dispenses any part or all of those funds to another person or entity for obligation, expenditure or use by that other person or entity for a specific purpose or purposes, then those funds so dispensed shall be treated as grant funds* (Section 12 of the Illinois Grant Funds Recovery Act).

j) A grantee that subgrants grant funds shall continuously monitor, oversee and manage the subgrantee's use of grant funds and shall ensure that the subgrantee complies with the subgrant agreement.

Section 974.180 Suspension or Termination of Grant Award

a) Except as otherwise provided in this Section, the grant agreement may be terminated by either party upon 30 calendar days written notice to the other party, as specified in the grant agreement.

b) A grant is contingent upon and subject to the availability of funds. The Department may terminate or suspend the grant, in whole or in part, without penalty or further payment being required, if:

1) The Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay the obligation, or if funds needed are insufficient for any reason;

2) The Governor decreases the Department's funding by reserving some or all of the Department's appropriation or appropriations pursuant to power delegated to the Governor by the Illinois General Assembly; or

3) The Department or the Governor determines that a reduction is necessary or advisable based upon actual or projected budgetary considerations.

c) The grantee will be notified in writing of the failure of appropriation or a reduction or decrease in the availability of funds.

d) The Department may immediately suspend funding or terminate the grant agreement of any grantee that has substantially failed to comply with the Act, this Part, or the grant agreement.

e) If the Department takes action to suspend funding or terminate the grant agreement of any grantee that has substantially failed to comply with the Act, this Part, or the grant agreement, it will do so pursuant to the applicable provisions of the grant agreement.

Section 974.190 Grant Funds Recovery

a) Grants made under this Part are subject to the Illinois Grant Funds Recovery Act. If a provision of this Part conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

b) The Illinois Grant Funds Recovery Act will be used to recover funds in cases of any breach of the grant agreement, including, but not limited to, a failure to expend funds as specified in the grant agreement, retaining grant funds beyond the term, or expending funds for unauthorized or unlawful purposes.

c) The Illinois Grant Funds Recovery Act will be used to recover funds awarded to a grantee for program costs if the grantee fails to provide objective written guidance and documentation of compliance with all grant deliverables, including a close out report detailing how all the funds were expended.

d) The Department shall have the authority to issue subpoenas as part of an official investigation into the use of grant funds. Subpoenas shall be issued and enforced according to Illinois Supreme Court Rules and the Code of Civil Procedure.

e) Every grantee and subgrantee shall keep complete and accurate accounting records of all grant funds that the grantee receives, administers, oversees or expends. A grant recipient's failure to create and maintain accounting records that demonstrate the grant recipient's receipt, administration, oversight, expenditure or use of all grant funds shall create a presumption in favor of recovery by the Department. If a person or entity that obtains grant funds dispenses or subgrants any or all of those funds to another person or entity for obligation, expenditure or use, then those funds shall also be treated as grant funds and shall be subject to recovery by the Department, whether or not the entity receiving grant funds has a written grant agreement with the Department.

f) Grantees shall cooperate with all requests for information and documents, as well as investigations and audits of a grantee's use of grant funds. Grantees shall provide the Department with unrestricted access to the grantee's books, records, files, activities and employees during normal business hours. A failure to cooperate shall create a presumption that grant funds have not been spent in accordance with the written grant agreement and be grounds for suspension or termination of any grant agreement and the recovery of grant funds.

g) *Whenever the* Department *believes that grant funds are subject to recovery, the* Department *shall provide the grantee the opportunity for at least one informal hearing to determine the facts and issues and to resolve any conflicts as amicably as possible before taking any formal recovery actions* (Section 7 of the Illinois Grant Funds Recovery Act).

h) The offer of an informal hearing will be in writing and will provide the grantee with no fewer than 10 calendar days in which to request an informal hearing. A grantee's failure to deliver a timely written request for an informal hearing to the Department shall constitute the grantee's waiver of the informal hearing. During any informal hearing, the grantee shall be represented by an attorney licensed in the State of Illinois.

i) If, after an informal hearing or if no timely request for an informal hearing is received, the Department determines that any grant funds are to be recovered, the Department will provide the grantee with formal written notice of its intent to recover grant funds. The notice will identify the funds and the amount to be recovered and the specific facts that permit recovery.

j) A grantee shall have 35 days from the receipt of the notice required in subsection (i) to request a hearing to show why recovery is not proper.

k) If a grantee timely requests a hearing, the Department will hold a formal hearing in accordance with Practice and Procedure in Administrative Hearings, at which the grantee may present evidence and witnesses to show why recovery should not occur. After the conclusion of the hearing, if recovery is warranted, the Department will issue a written Final Order and send a copy of the order to the grantee by Certified US Mail.

l) A grantee may seek judicial review of any Department Final Order in the circuit court, pursuant to the Administrative Review Law.

m) If a grantee timely requests a formal hearing, the Department will not take any action of recovery until at least 35 days after a final recovery order has been issued.

n) If a grantee does not request a timely hearing, the Department may proceed with recovery of the grant funds identified in the notice issued pursuant to this Section at any time after the expiration of the 35-day request period.

o) Any notice or mailing required or permitted by this Section shall be considered received five days after the notice or mailing is deposited in the US mail, addressed to the grantee's current business address, as listed on the grantee's grant agreement, or the grantee's registered agent, and with sufficient US postage affixed, or the date of actual delivery, whichever is sooner.

p) During any formal hearing, the grantee shall be represented by an attorney licensed in the State of Illinois.

SUBPART C: INTERVENTION SERVICES AND TRAINING REQUIREMENTS

Section 974.200 Intervention Staff and Training Requirements

a) Upon execution of the grant agreement, all agencies funded to provide HIV counseling, testing and referral (CTR) services shall ensure that all staff delivering CTR services have completed all training requirements within 90 days as follows:

1) Successful completion of the Department HIV Prevention Home Study course with a score of 80% or higher; and

2) Successful completion of Department-approved Fundamentals of HIV Prevention Counseling Course; and

3) Successful completion of Department-approved Partner Services Course; and

4) Successful completion of the Department data reporting system training.

b) Upon execution of the grant agreement, all agencies funded to provide Department-approved HIV public health strategies and interventions shall ensure that all staff delivering the approved intervention have completed all training requirements within 90 days as follows:

1) Successful completion of the Department HIV Prevention Home Study Course with a test score of 80% or higher; and

2) Successful completion of the Department HIV/STD Prevention Core Skills Course; and

3) Successful completion of the Department HIV Prevention Risk Reduction Course; and

4) Successful completion of the Department HIV confidentiality and security training; and

5) Successful completion of the Department data reporting system training; and

6) Successful completion of other Department-approved HIV intervention specific trainings.

c) Hepatitis A and B vaccinations shall be administered only by staff who are lawfully approved to administer vaccine.

Section 974.210 Intervention Service Requirements

Upon execution of the grant agreement, all agencies funded to provide HIV counseling, testing and referral (CTR) services shall obtain the following documentation within 90 days as follows:

a) A Physician Standing Order (PSO) from a licensed physician, specifying the type of Department-approved specimen (finger stick or oral) collected to screen for HIV infection and the type of venue (street outreach, mobile, fixed site, etc.) where testing will be conducted; and

b) A CLIA waiver for Department-approved HIV rapid testing.

SUBPART D: QUALITY OF LIFE BOARD

Section 974.300 Board Membership

The Quality of Life Board is created as an advisory board within the Department. The Board shall consist of 11 members as follows:

a) *Two members appointed by the President of the Senate;*

b) *One member appointed by the Minority Leader of the Senate;*

c) *Two members appointed by the Speaker of the House of Representatives;*

d) *One member appointed by the Minority Leader of the House of Representatives;*

e) *Two members appointed by the Governor, one of whom shall be designated as chair of the Board at the time of appointment; and*

f) *Three members, appointed by the Director* of the Department, *who represent organizations that advocate for the healthcare needs of the first and second highest* ranked *HIV/AIDS risk groups* based on epidemiological data in Illinois for the last three years. *One each from the northern Illinois region* (located north of Interstate 80); *the central Illinois region* (located south of Interstate 80 to north of Interstate 70); *and the southern Illinois region* (located south of Interstate 70). (Section 2310-348 of the Civil Administrator Code of Illinois)

Section 974.310 Membership Term of Service

a) *The Board members shall serve one 2-year term.* Members may be reappointed for one additional two-year term, not to exceed a maximum of two 2-year terms, for a total of four years. *If a vacancy occurs in the Board membership, the vacancy shall be filled in the same manner as the initial appointment.*

b) *Board members shall serve without compensation but may be reimbursed for their reasonable travel expenses from funds appropriated for that purpose.* (Section 2310-348 of the Civil Administrative Code of Illinois)

Section 974.320 Board Responsibilities

a) *The* Quality of Life *Board* shall:

1) *Consult with the Department of the Lottery in designing and promoting the Quality of Life special instant scratch-off lottery game; and*

2) *Review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants, from amounts appropriated from the Quality of Life Endowment Fund, to public or private entities in Illinois for the purpose of HIV/AIDS-prevention education and for making grants to public or private organizations that serve the highest at-risk categories for contracting HIV or developing AIDS, in accordance with Section 21.7 of the Illinois Lottery Law.* (Section 2310-348(c) of the Civil Administrative Code of Illinois)

b) *The Department shall provide staff and administrative support services to the Board* (Section 2310-348(b) of the Civil Administrative Code of Illinois).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois State Library, Library Operations Division

2) Code Citation: 23 Ill. Adm. Code 3010

3)

Section Numbers:	Proposed Action:
3010.40	Amendment
3010.160	Amendment
3010.310	Amendment
3010.EXHIBIT A	Repeal
3010.EXHIBIT E	Repeal

4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320]

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments clarify procedures for access to the stacks by library users in Section 3010.40 and repeal the stack pass registration form at Section 3010.Exhibit A. The ILLINET Interlibrary Loan Code at Section 3010. Exhibit E is being repealed. It is being moved to 23 Ill. Adm. Code 3030.Exhibit A, since full member libraries of a library system shall comply with the ILLINET Interlibrary Code. References to the ILLINET Interlibrary Loan Code in Section 3010.160 and 3010.310 have been updated to refer to 23 Ill. Adm. Code 3030.Exhibit A.

6) Published studies or reports, and sources of underlying date, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain any 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: This rulemaking has no effect on local governments.

12) Time, Place and Manner in which interested persons may comment on this rulemaking:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profits corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which these proposed amendments were summarized: July 2014

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3010
ILLINOIS STATE LIBRARY, LIBRARY OPERATIONS DIVISION

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section
3010.10 Definitions
3010.20 Service Populations
3010.30 Hours of Service
3010.40 Library Stacks Area
3010.50 Use by the General Public
3010.60 Copies and Printouts

SUBPART B: COLLECTION ACCESS SECTION (CIRCULATION)

Section
3010.110 Circulation of Materials
3010.120 Materials for Loan
3010.130 Loan Periods
3010.140 Holds and Renewals
3010.150 Return of Materials
3010.160 Replacement of Lost and/or Damaged Materials
3010.170 Theft of Materials
3010.180 Photocopies (Repealed)

SUBPART C: REFERENCE SERVICES SECTION

Section
3010.210 Reference Service

SUBPART D: RESOURCE SHARING SECTION
(INTERLIBRARY LOAN)

Section
3010.310 Interlibrary Loan

3010.320 Resource Sharing Agreements

Section
3010.EXHIBIT A Stacks Pass Application (Repealed)
3010.EXHIBIT B Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines
3010.EXHIBIT C Illinois State Library Card Application Form: Courtesy Card
3010.EXHIBIT D Illinois State Library Card Application Form: Regular Card
3010.EXHIBIT E ILLINET Interlibrary Loan Code (Repealed)

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

SOURCE: Amended July 18, 1973; rules repealed, new rules adopted and codified at 7 Ill. Reg. 13679, effective October 4, 1983; amended at 25 Ill. Reg. 5412, effective April 1, 2001; amended at 30 Ill. Reg. 16324, effective October 2, 2006; amended at 36 Ill. Reg. 3217, effective February 16, 2012; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section 3010.40 Library Stacks Area

a) The book stacks area of the State Library is closed except to the following persons:

1) State Library employees.

2) Maintenance personnel.

3) Patrons who have been approved for a stacks pass by a Library Operations manager or reference librarian.

b) In granting stacks access privileges, consideration will include whether the collection will meet the needs of the patron. Patrons must be in good standing with the State Library to receive stacks privileges. No briefcases or other containers are allowed in the book stacks areas. No food or drink is permitted in the stacks areas.

c) The Circulation Desk staff shall keep an up-to-date list of persons who have been

approved for stacks passes. All stacks access privileges shall have appropriate expiration dates assigned (maximum of three years). The privileges may be revoked at any time for violation of the State Library's rules or operating procedures.

d) Authorized stacks pass users must sign in and out at the Circulation Desk and wear the stacks pass at all times in the stacks. Any patron not wearing the stacks pass will be asked to vacate the stacks immediately. Secretary of State Security will be notified if the patron fails to comply with this request.

e) Each person with approved stacks access will be given a short orientation. Orientation includes review of written information in the sign-in book, information on running the compact shelving, and location of emergency exits.

f) Stacks pass users must report problems with the compact shelving to stacks staff or the staff member at the Circulation Desk. Patrons are not to ratchet the shelving units.

g) Library materials should not be re-shelved; the materials should be placed on the counter next to the stacks elevator.

h) The map storage rooms and Folio Room are not available to stacks pass users.

~~The book stacks area of the State Library is closed except to the following persons:~~

~~a) State Library employees.~~

~~b) Maintenance personnel.~~

~~c) Patrons who have registered for a stacks pass with a Library Operations manager or reference librarian. Registration is through completion of a form for access available at the circulation desk. (See Exhibit A.) Applications for privileges will be reviewed and authorized by a Library Operations manager or reference librarian. In granting stacks access privileges, consideration will include whether the collection will meet the needs of the patron. Patrons must be in good standing with the State Library to receive stacks privileges. No briefcases or other containers are allowed in the book stacks areas. No food or drink is permitted in the stacks areas.~~

~~d) All stacks access privileges shall have appropriate expiration dates assigned (maximum of three years). The privileges may be revoked at any time for violation of the State Library's rules or operating procedures.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: COLLECTION ACCESS SECTION (CIRCULATION)

Section 3010.160 Replacement of Lost and/or Damaged Materials

a) Direct and indirect borrowers who fail to return an item or damage an item beyond the point of usability will be billed for the current replacement cost of each item. The "replacement cost" is determined by the State Librarian or his/her designee and is equal to the cost to replace the item exactly in all physical aspects such as (but not limited to) edition, condition, preservation processes, binding type, paper quality, format~~,~~ and author inscription.

b) The borrower will be billed a processing fee in addition to the replacement cost. The processing fee shall be determined by the State Librarian or his/her designee in accord with current statewide or national averages for library materials processing.

c) Borrowers who are billed for a lost or damaged item may replace the item with a replica that is exact in every way within 30 days after the invoice date. The replacement must be exact in all qualities such as, but not limited to, edition, condition, preservation processes, binding type, paper quality, format, and author inscription. Replacements must be approved by the State Librarian or his/her designee. Extensions to the 30-day period for replacement may be granted by the State Librarian or his/her designee. Replacements that are not exact will be accepted pending approval by the State Librarian or his/her designee. Replacements will be submitted by the borrower directly to the State Librarian or his/her designee.

d) Direct borrowers who fail to pay for items they have lost or damaged shall have State Library privileges suspended until payment is made or replacement is received.

e) Payment for materials lost or damaged as a result of interlibrary loans through ILLINET is governed by the ILLINET Interlibrary Loan Code (see 23 Ill. Adm.

Code 3030.Exhibit A~~Exhibit E~~).

f) Payment for materials lost or damaged as a result of interlibrary loan to non-ILLINET libraries is governed by "The Interlibrary Loan Code of the United States. Revised 2008" published by the American Library Association, 50 E. Huron, Chicago IL 60611. No later amendments to this document are incorporated in this Section.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: RESOURCE SHARING SECTION
(INTERLIBRARY LOAN)

Section 3010.310 Interlibrary Loan

a) Borrowing

1) Patrons holding a regular borrower's card are eligible for interlibrary loan service for work-related materials.

2) Patrons are responsible for adhering to all conditions placed on the interlibrary loan by the lending library.

3) Patrons are responsible for the safe return of interlibrary loan material to the State Library and are liable for fees associated with lost or damaged materials as determined by the lending library. Patrons who fail to pay for items they have lost or damaged shall have all State Library privileges suspended until payment is made.

b) Lending

1) Material from the State Library's circulating collection may be requested by any public, special, academic or school library on behalf of the library's patrons. Individuals may receive these materials through a library from which they are eligible to borrow.

2) Loan of materials to ILLINET libraries are made in accordance with the provisions of the ILLINET Interlibrary Loan Code (see 23 Ill. Adm. Code 3030.Exhibit A~~Exhibit E~~). Loans of materials to non-ILLINET libraries

are made in accordance with the provisions of "The Interlibrary Loan Code of the United States".

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3010.EXHIBIT A Stacks Pass Application (Repealed)

~~STACKS PASS APPLICATION~~

~~NAME~~ _____

~~ADDRESS~~ _____

_____

~~DRIVER'S LICENSE # OR STATE ID #~~ _____

~~TELEPHONE~~ _____

~~E-MAIL ADDRESS~~ _____

~~DATE~~ _____

~~EMPLOYER (IF APPLICABLE)~~ _____

~~COLLECTION NEEDS/REASON FOR STACKS PASS (describe):~~

~~Applicant Signature~~ _____

~~Approved by~~ _____ ~~Date~~ _____
~~Name of Library Operations Manager or Reference Librarian~~

~~Expiration Date~~ _____ ~~(maximum of three years)~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~ILLINOIS STATE LIBRARY~~

~~INTRODUCTION TO THE STACKS FOR PATRONS WITH STACK PRIVILEGES~~

~~1. Food or drink are not allowed in the stacks area at any time.~~

~~2. Sign in and out at the Circulation Desk and wear the stacks pass at all times. Return the pass to the desk when you sign out. Any patron not wearing the stacks pass will be asked to vacate the stacks immediately. Secretary of State Security will be notified if the patron fails to comply with this request.~~

~~3. Report problems with the compact shelving to stacks staff, if available. If not, report to the Circulation Desk. Patrons are not to ratchet the shelving units.~~

~~4. If the alarm sounds, you must leave the building through the emergency exits you were shown during your orientation.~~

~~5. Stacks staff who are retrieving materials have priority use of the modules. You are encouraged to take materials to the back counter where you may sit and use them. Please do not stand in the aisles while using materials.~~

~~6. When you are finished with the materials, please place them on the counter next to the elevator. The stacks staff will re-shelve them for you.~~

~~7. Patrons are not allowed to use the Translogic booklift. It is for staff use only. If you wish to transport a large number of items to the Reference Room, etc., please contact the stacks staff or someone at the Circulation Desk to assist you.~~

~~8. The map storage rooms and Folio Room are not available to stacks pass users.~~

~~9. No one is allowed in the stacks without stacks access approval – unless accompanied by a reference librarian.~~

~~10. Persons wishing to accompany someone with stacks access must also have stacks access approval.~~

~~11. Each person with stacks access will be given a short orientation. Orientation includes review of written information in the sign-in book; information on running the compact shelving; location of emergency exits; etc.~~

~~12. Library Operations Division managers, reference librarians and stacks staff are authorized to give orientation.~~

(Source: Repealed at 39 Ill. Reg. _____, effective _____)

Section 3010.EXHIBIT E ILLINET Interlibrary Loan Code (Repealed)

~~PREFACE TO THE ILLINET INTERLIBRARY LOAN CODE~~

~~As partners in the Illinois Library and Information Network (ILLINET), more than 5,000 multi-type (academic, public, school and special) member libraries contribute to the ongoing enrichment of the State's library resources. Dating from 1975, ILLINET relies on resource sharing to fill the information, recreation and research needs of library users. Individual libraries challenged to meet the requests of their users can do so through statewide cooperative collection management agreements and with a high level of local commitment to interlibrary loan (ILL).~~

~~The leadership and collegiality of the Illinois State Library, the 10 regional library systems and the member libraries ensure the future of resource sharing in Illinois. Through automation and document delivery, the Illinois library community is assured of continued, even increased, access to information throughout the 21st Century.~~

~~Note: The first Illinois Interlibrary Loan Code was written in 1971. It was revised in 1988, 1993, and 2000. The current revision was completed in 2008.~~

~~ILLINET INTERLIBRARY LOAN CODE~~

~~This code, approved by the Illinois State Library Advisory Committee, endorsed by the Illinois Library Systems, adopted by the Illinois State Library, and effective March 12, 2008, governs interlibrary lending policy within ILLINET. Based on the most current American Library Association National Interlibrary Loan Code, this code promotes efficient resource sharing among ILLINET libraries.~~

~~I. DEFINITION~~

~~Interlibrary loan is the process by which a library requests material from, or supplies material to, another library. The purpose of interlibrary loan is to obtain, upon request of a library user, material not available in the user's local library. The terms "requesting library" and "supplying library" are used in preference to "borrowing" and "lending" to cover the exchange of copies as well as loans. Circulation of materials between a central library and its branches is not considered interlibrary loan. Reciprocal borrowing is not within the scope of this document.~~

~~II. SCOPE~~

~~1. The prerogative of each ILLINET library is to enter into mutually beneficial cooperative agreements in order to meet the needs of its primary clientele. These agreements are outside the scope of this code. In the absence of pre-arranged agreements between and among specific libraries, this code governs interlibrary loan among ILLINET libraries.~~

~~2. Any type of library material needed by an individual for any purpose, including but not limited to study, instruction, information, recreation, or research, may be requested from another library.~~

~~3. Any materials, regardless of format, may be requested from another library. The supplying library determines whether the material can be provided.~~

~~**III. ETHICS AND RESPONSIBILITIES OF ILLINET LIBRARIES**~~

~~1. Each library will develop collections in response to local needs. Interlibrary loan is an adjunct to, not a substitute for, collection development in individual libraries.~~

~~2. To expedite State and nationwide resource sharing initiatives, every ILLINET library should strive to enter and maintain its collection and holdings in a regional, statewide, and/or national electronic database.~~

~~3. Each library will offer and promote the availability of interlibrary loan service to its users.~~

~~4. Personnel responsible for interlibrary loan in each library must be familiar with relevant interlibrary loan documents and aids, including interlibrary loan codes and procedures, bibliographic tools, and services.~~

~~5. Libraries will comply with current copyright law (17 USC) governing both print and digital resources.~~

~~6. Interlibrary loan is a mutual relationship and libraries are strongly encouraged to supply materials as freely as they request materials.~~

~~7. Each library will ensure the confidentiality of the user.~~

~~8. Each library will be responsible for maintaining a current online lending policy for interlibrary loan. The policy should include any schedule of fees/charges, restrictions, preferred methods of delivery and special instructions.~~

~~9. Each library will make its borrowing policy available for its users.~~

~~10. Each library will clearly identify its materials with a current ownership mark.~~

~~11. Each library will collect and annually submit its interlibrary loan statistics to the Illinois State Library.~~

~~12. Each library will annually review and update its Every Library in ILLINET (ELI) record.~~

~~**IV. RIGHTS & RESPONSIBILITIES OF REQUESTING LIBRARY**~~

~~1. The requesting library is responsible for compliance with copyright law (17 USC) and its accompanying guidelines, and will inform its users of the applicable portions of the law. An indication of copyright compliance shall be provided with all requests for photocopies.~~

~~2. The requesting library is responsible for identifying libraries that own the requested material. The requesting library is responsible for checking the policies of potential suppliers for restrictions, special instructions and information on fees prior to sending a request.~~

~~3. The requesting library should avoid sending the majority of its requests to a few libraries. However, each library has the right to determine the best source for the requested material.~~

~~4. Requested items will be cited completely and accurately. The requesting library should transmit all interlibrary loan requests in standard bibliographic format in accordance with the protocols of the electronic network or transmission system used. In the absence of an electronically generated form, the elements of the American Library Association Interlibrary Loan Request Form should be used.~~

~~5. When items cannot be verified and/or located, "cannot verify" or "cannot locate" will be indicated on the request. The source of reference should also be indicated on the request.~~

~~6. The requesting library must honor the supplying library's conditions of loan, including observation of dates and duration of loans, recall notices, fees (if applicable), and in-library use only and other special handling provisions. The requesting library will convey these conditions to library users.~~

~~7. The requesting library will package material to prevent damage in shipping. The requesting library must comply with packaging instructions as required by the supplying library.~~

8. ~~The requesting library is responsible for borrowed materials from the time they leave the supplying library until they have been received back at the supplying library. If damage or loss occurs, the requesting library is responsible for compensation or replacement, in accordance with the preference of the supplying library.~~

9. ~~The requesting library is responsible for all fees authorized by VII (Fees) imposed by the supplying library. The requesting library is responsible for timely processing of payments related to the interlibrary loan transaction.~~

10. ~~Some libraries permit users to initiate online interlibrary loan requests that are sent directly to potential supplying libraries. The user's home library assumes full responsibility for these user-initiated transactions.~~

11. ~~Libraries that initiate interlibrary transactions for reciprocal borrowers assume responsibility for that transaction.~~

~~V. RIGHTS & RESPONSIBILITIES OF SUPPLYING LIBRARY~~

1. ~~Libraries are strongly encouraged to implement generous interlibrary loan lending policies with due consideration for the needs of their primary clientele.~~

2. ~~The supplying library will search, locate, send, reply to, refer or cancel all ILL requests within a maximum of three working days after receipt.~~

3. ~~The supplying library may return a request unfilled when bibliographic data and location are incomplete.~~

4. ~~The supplying library will send a copy of the request or sufficient information to identify the request, along with any materials provided.~~

5. ~~The supplying library will notify the requesting library of dates and duration of loans for the materials, renewal policies, in-library use only, and special handling and other packaging instructions.~~

6. ~~The supplying library has the right to recall its material at any time.~~

7. ~~The supplying library will send any bills to the requesting library within one year after the due date of the item.~~

~~VI. RUSH AND URGENT REQUESTS~~

1. ~~"Rush" service requests are those in which the requesting library designates the request to be Rush and requires the item to be processed and sent within 24 hours or one working day.~~

2. ~~"Urgent" service requests are those in which the requesting library designates the request to be Urgent and requires the item to be processed and received in less than 24 hours.~~

3. ~~Requesting libraries that need Rush or Urgent service requests will contact the supplying library directly to negotiate conditions and fees.~~

4. ~~An ILLINET library may, by policy or on a case-by-case basis, choose not to offer Rush or Urgent service.~~

~~VII. FEES~~

1. ~~ILLINET libraries may not assess fees for the loan of returnables to other ILLINET libraries, except as noted under the provision for Rush or Urgent service requests in Section VI.~~

2. ~~ILLINET libraries are encouraged to absorb the cost of providing photocopies; however, some ILLINET libraries may be required to assess fees for photocopies.~~

3. ~~If a library chooses not to use Intra-System Delivery or Illinois Library Delivery Service (ILDS), the library must negotiate special shipping conditions with the requesting/supplying library prior to shipment of the item.~~

4. ~~Libraries that assess service fees for Rush or Urgent delivery will make their policies available on request.~~

5. ~~Libraries will not assess overdue fines to other libraries.~~

~~VIII. VIOLATION OF THE CODE~~

1. ~~Should a violation occur, the following procedures should be followed:~~

    a. ~~The requesting/supplying library is responsible for informing the requesting/supplying library of any failure to observe the provisions of this code.~~

~~b. A library may suspend service to any library that disregards its policies. This action requires written notification to the suspended library specifying the terms and duration of the suspension. A copy of all documentation should be sent to the regional library systems.~~

~~c. The requesting/supplying library is also responsible for reviewing ongoing circumstances and for reinstatement of borrowing privileges. These should be done on a timely basis. The requesting/supplying library should provide written notification of this action to the suspended library and the regional library systems.~~

~~2. Should violations continue, the following procedures should be followed:~~

~~a. Same regional library system – Should a library continue to commit requesting/supplying violations, the other library or libraries may request the regional library system serve as negotiator. The request must be written and a copy should go to the library allegedly committing the violations and to the regional library system.~~

~~b. Two regional library systems – Should the libraries be in two different regional library systems, those systems should work together as negotiators to resolve the problem. The requesting/supplying library should write a request for negotiation with copies sent to the library allegedly committing the violations and to both regional library systems.~~

~~3. Continued disregard of the provisions of this code, despite negotiation efforts, will be sufficient reason for suspension of borrowing privileges within ILLINET and may result in the suspension of all ILLINET privileges.~~

~~4. The following steps are necessary in order to suspend a library's ILLINET privileges:~~

~~a. The initiating library should provide a written complaint of the continued code violations. The complaint should be directed to the regional library system for documentation of notification (see VIII.1) and negotiation (see VIII.2) efforts.~~

~~b. If a second regional library system has been involved in the negotiations, the complaint should be directed to it for documentation of negotiation (see VIII.2).~~

~~c. The regional library systems should document the effectiveness of any negotiations. They will also make a recommendation supporting or disputing the initiating library's request for suspension of ILLINET privileges.~~

~~5. The complete report should be sent by the initiating library's regional library system to all parties involved, as well as to the Illinois State Library. The Illinois State Library, in consultation with the regional library systems, will act on the recommendations in the complaint and decide on the appropriate action in accordance with the Illinois Administrative Code (23 Ill. Adm. Code 3030.122 and 3030.115).~~

(Source: Repealed at 39 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: The Illinois State Library System Act

2) Code Citation: 23 Ill. Adm. Code 3030

3)

Section Numbers:	Proposed Action:
3030.10	Repeal
3030.15	Repeal
3030.20	Repeal
3030.25	Repeal
3030.30	Repeal
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3030.120	Repeal
3030.121	Repeal
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3030.126	Repeal
3030.127	Repeal
3030.128	Repeal
3030.129	Repeal
3030.130	Repeal

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

3030.135 Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed as new because the model of library systems in Illinois has changed dramatically since its inception in 1967. At that time, there were 18 library systems in the State with the role of providing services to public libraries that fostered the creation of public library service areas where none previously existed. Over the years, the library systems' role evolved in facilitating library services in their regions and changed their emphasis from primarily public library development to serving other types of libraries, including school, academic and special libraries. To achieve cost savings and efficiencies, beginning in the 1990s, systems began to merge and, by 2010, the number of systems was reduced from 18 to 10. In 2011, because of the State's cash flow difficulties, library systems further merged, and now there are three systems in the State: the Chicago Public Library System (serving the Harold Washington Library Center and CPL branches); the Reaching Across Illinois Library System (serving all types of libraries in the northern half of the state; and Illinois Heartland Library System (serving downstate libraries of all types). In conjunction with this repealer, new rules for of Part 3030 are being proposed.

6) Published studies or reports, and sources of underlying date, used to compose this repealer: None

7) Will this repealer replace any emergency rule currently in effect? No

8) Does this repealer contain any automatic repeal date? No

9) Does this repealer contain incorporations by reference? No

10) Are there any other proposed rules pending on this Part? Yes, a new Part is being proposed to replace this Part at the same Part number.

11) Statement of Statewide Policy Objective: These rules are being repealed so a new Part can address the three main core services of a library system: administrative, delivery and resource sharing.

12) Time, Place and Manner in which interested persons may comment on this proposed repealer:

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profits corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this repealer was summarized: July 2014

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

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3030
THE ILLINOIS LIBRARY SYSTEM ACT (REPEALED)

Section

3030.10 Definitions
3030.15 Forms
3030.20 Administration of the Act: Hearings
3030.25 Establishment of Systems
3030.30 Geographic Boundaries
3030.35 Membership in a Library System
3030.40 Contracting Libraries
3030.45 Accessing Resources and Services (Repealed)
3030.50 Service Standards
3030.55 Service to State Institutions (Repealed)
3030.60 Services to the Physically Disabled (Repealed)
3030.65 Plan of Service for a Cooperative or Multitype Library System
3030.70 Plan of Service for a Public Library System (Repealed)
3030.75 Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.80 Liquidation
3030.85 Merger
3030.90 Finances and Records
3030.95 Governing Board
3030.100 Rules
3030.105 State Grants (Repealed)
3030.106 Educate & Automate Automation/Technology Grants (Repealed)
3030.110 Revocation of Approval
3030.115 Suspension of a Library from Membership
3030.120 Adjustment of the Geographic Boundaries of Library Systems
3030.121 Administrative Review of State Librarian's Decision in Contested Cases
3030.122 Notice of Hearing
3030.123 Conduct of Hearing
3030.124 Motions
3030.125 Order of the Hearing
3030.126 Authority of Administrative Law Judge

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

3030.127 Record of the Hearing
3030.128 Rules of Evidence; Official Notice
3030.129 Decisions and Orders
3030.130 Annual System Reports
3030.135 Withdrawal of Membership

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

SOURCE: Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31 Ill. Reg. 16273, effective November 20, 2007; amended at 32 Ill. Reg. 9635, effective June 23, 2008; amended at 36 Ill. Reg. 12377, effective July 18, 2012; repealed at 39 Ill. Reg. _____, effective _____.

Section 3030.10 Definitions

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act [75 ILCS 10].

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

"Developmental Member Library": A library that meets the definition of "Library" in this Section and the requirements of developmental membership cited in Section 3030.35(a) of this Part.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Fiduciary Funds": Funds that are used to report assets held in a trustee or agency capacity for others and that, therefore, cannot be used to support the government's own programs.

"Full Member Library": A library that meets the criteria for library system membership as defined by the library system board, subject to approval by the State Librarian.

"Governing Authority": The body or individual that has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Governmental Funds": Funds that are used to account for tax-supported activities. There are five different types of governmental funds: the general fund, special revenue funds, debt service funds, capital projects funds, and permanent funds.

"Intra-system Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library or a library system to borrow on site from other public libraries that are full members within the library system without using interlibrary loan mechanisms.

"Library": Unless otherwise defined as a public library by statute, an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, that affect representation on system

boards. Library interests include, but are not limited to, types of libraries and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service, that details the program for system headquarter's operations and for the development of the library system over a three to five year period of time, states the assessed needs of libraries the system will meet, and sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management Letter": A letter from an auditor accompanying a financial audit that discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

"Plan of Service": The system plan of service describes *the specific purposes for which the system is formed, and the means by which such purposes are to be accomplished* (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part.

"Proprietary Funds": Funds that focus on the determination of operating income, changes in net assets (or cost recovery), financial position, and cash flows. There are two different types of proprietary funds: enterprise funds and internal service funds.

"Public Library": A tax-supported public library established by or as a governmental unit that either is authorized to levy a tax for library purposes, or supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all full member libraries of a library system are made available to all constituents within the system area. These means may include some necessary and reasonable restrictions, approved by a library system board, as, for example, by information passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library to borrow on site from all the other public libraries that are full members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The facility that is identified by the system as its administrative headquarters.

"System Service Area": The land area within the geographic boundaries of a library system.

Section 3030.15 Forms

Forms for applications and reports required by this Part shall be prescribed by the State Librarian.

Section 3030.20 Administration of the Act: Hearings

The State Librarian shall provide for hearings to reconsider decisions made in the administration of the Act regarding:

a) The denial of approval of a library system,

b) The revocation of approval of a library system,

c) The denial by the State Librarian of a library's application for membership in a library system,

d) The suspension of a library from membership in a library system,

e) The denial of any state grant,

f) The adjustment of the geographic boundaries of a library system.

Section 3030.25 Establishment of Systems

a) The State Librarian shall approve an application for the creation of a library system if the bylaws and plan of service of the proposed system meet the standards and objectives of Section 3 of the Act and this Part for the system area.

b) Following the initial approval of a library system by the State Librarian, all adjustments to the geographic boundaries, and changes in the official population of the library system, must be approved by the State Librarian.

Section 3030.30 Geographic Boundaries

The geographic boundaries of a library system shall be those boundaries approved by the State Librarian. In setting geographic boundaries, the State Librarian shall place primary importance on the statewide implications for resource sharing, the efficient use of public funds, the impact on affected libraries of all types, and the impact on services provided by the affected library systems. After the primary considerations have been addressed, the State Librarian may also take into consideration such factors as transportation, marketing area, geography, cultural orientation, and the boundaries of educational units in the area in making a final determination of the geographic boundary being considered. All library system boundaries shall be contiguous.

Section 3030.35 Membership in a Library System

The State Librarian shall approve the application of a library for membership in a library system when the library is located within the geographic boundaries of the library system and meets the criteria for one of the two following membership categories:

a) Developmental membership:

1) A public library that is applying for developmental membership in any library system shall meet either the financial requirements for state per capita grants to public libraries as stated in the Act or levy a tax that produces a revenue of $6.00 per capita.

2) A library applying for developmental membership in a multitype library system shall be a library of one of the types of libraries defined in Section 3030.10 of this Part and meet the definition of "library" in Section 3030.10 of this Part.

3) The governing board of the library system in which the library has applied for membership shall have approved the application in accordance with its bylaws and/or rules.

4) The library applying for membership shall certify to the State Librarian that it will meet the requirements of this Part and of the plan of service of the library system in which it becomes a developmental member.

5) A developmental library is entitled to the following services from the library system of which it is a member: consulting, continuing education, and system communications. A library in this membership category also meets the library system membership requirement for State grants. A library is eligible for developmental membership for five years, if annual progress has been made towards meeting the "full member" criteria which is defined in this Part. An additional year of developmental membership may be granted to a library if the library system determines that extraordinary circumstances interrupted progress toward meeting the criteria for full membership. Representatives from developmental member libraries are not eligible for system board seats.

6) As part of the application for developmental membership, the library shall submit a developmental plan which sets forth the library's annual goals

and explains how the library will meet the criteria for full membership in the library system. The developmental member shall report annually to the library system on which goals have been met and on any deviations from the plan to become a full member of the system.

b) Full membership:

1) The library will meet any additional membership requirements specified by the library system.

2) A full member is entitled to the library system services for which it meets system requirements and must follow the ILLINET Interlibrary Loan Code (1991, Office of the Secretary of State, Illinois State Library, Room 505, 300 S. Second Street, Springfield, IL 62701-1796). The material incorporated by reference includes no later amendments or editions. A full member is also eligible for voting representation on the Board of Directors. The full member shall also provide reciprocal borrowing to resident patrons of other public libraries that are full members of the library system and shall also honor library cards issued to non-residents of the system area if the library does not opt out of the non-resident card program.

Membership criteria is subject to prior approval of the State Librarian who will review the criteria to make sure that the criteria addresses state legislation and rules and is equitable among different types of libraries. Library system members may not be charged fees for membership in the library system.

Section 3030.40 Contracting Libraries

A library system may designate one or more libraries as contracting libraries if by so doing it will meet service goals and objectives specified within its Long Range Plan on file with the Illinois State Library.

Section 3030.45 Accessing Resources and Services (Repealed)

Section 3030.50 Service Standards

a) System agencies are expected to have met all the standards in this Part, or the system agency must have submitted a plan, accepted by the State Librarian, that

explains how the remaining unmet standards will be met.

b) The staffing levels outlined in the standards do not demand that every staffing requirement be addressed by employing a full-time person. As an example, the same staff member may be responsible for bibliographic access in subsection (f)(2)(A) and reciprocal access in subsection (k)(2) of this Section.

c) System member libraries should provide, as determined by the library systems of which they are a member, the library services that either meet or make progress toward meeting the membership responsibilities defined in this Part.

d) General Administrative Standards

1) Library System Board of Directors

A) The system board of directors shall represent the system members as a whole and not individual libraries or type of library.

B) The system board shall annually review the proportion of the library interests represented on the library board.

C) The system board and staff shall conduct an orientation program for new system board members.

D) The system board members shall participate in continuing education events such as system and regional workshops and State and national conferences.

E) The system board shall meet a minimum of nine times per year, consistent with the Open Meetings Act [5 ILCS 120].

F) Board meetings and committee meetings shall be publicized to members so that members and systems staff shall have opportunity to attend. Written records shall be maintained of board meetings.

G) The board shall adopt rules and policies in accordance with this Part and shall codify and disseminate them.

H) The board shall annually review the by-laws, rules and policies and

revise them as needed.

I) The board shall annually review the membership eligibility criteria to ensure that they are equitable, nondiscriminatory and within the control of the library.

J) The board shall be an advocate for libraries, uphold intellectual freedom and promote legislation of benefit to libraries.

2) Staff and Resources

A) The system board shall employ an executive director, reporting to and accountable to the system board, who shall have a master's degree from an American Library Association-accredited library education program and who has a minimum of five years postgraduate employment that includes a minimum of two that were in library administrative experience.

B) The executive director shall hire enough technical and professional personnel as are required to operate the system and provide required training when appropriate.

C) The system agency shall have a compensation plan for the staff.

D) The system agency shall provide facilities and equipment appropriate for the program and supporting services.

E) The staff of the system agency shall be evaluated annually in writing.

3) Communications

A) The executive director shall provide the system board of directors with information needed for policy decisions.

B) The system agency staff shall ensure publication of information that affects all types of libraries.

4) Planning and Evaluation

A) The system agency shall ensure that all system members have opportunities for input into or comment on planning and evaluation activities, such as system plans of service, plans of cooperation, long-range plans, and program designs, including budgetary information, before such plans are finally adopted.

B) The system agency shall utilize these standards to evaluate core system services and administrative services.

C) The system agency shall keep statistics measuring its services.

D) The system agency should annually review the progress being made toward providing library service to all the residents of its geographic area.

5) Interagency Relations

A) The system agency shall maintain communications with other system agencies and the Illinois State Library, sharing information on matters relating to system operations.

B) The system agency shall cooperate with other library and non-library agencies on matters of mutual interest and benefit, especially in areas in which contracts or programs of service are effective means of using limited financial resources. An example of a cooperative activity for consideration is contracting for services when contracting offers a more cost-effective means of providing a service to members and such service is of higher quality than can be offered by the individual system agency.

6) Management

A) The system agency shall foster awareness of current library developments and management trends. Newsletters, conducting or sponsoring of programs or workshops are examples.

B) The system agency shall regularly explore the most cost-effective approaches to services and administration. It shall adopt

management procedures that ensure that it gets the best results for reasonable costs.

C) The system agency shall ensure that non-member libraries are aware of the advantages of system membership and encourage them to become members.

D) System financial resources shall be most concerned with benefit to members and shall not be used to reimburse libraries for services provided as a membership obligation to their primary clientele.

7) Member Library Responsibilities

A) Member libraries should participate in the system representation plan and provide the name of a representative for selection of the system board when expected to do so according to the plan.

B) Member libraries should fulfill their responsibilities under the system plan of service or make measurable acceptable progress toward fulfilling them.

C) Member libraries should assess possibilities for library service to the unserved.

D) Member libraries should participate in the system decision-making process through attending meetings, responding to surveys and serving on committees.

E) Member libraries should continue local support for their own library services and not reduce such support as a result of membership in the system.

e) Automation/Technology

1) Automation Technology − Administration and Service

A) The system agency shall have an operational automation plan that complements a statewide automation plan. The operational plan, as a minimum, shall:

i) identify areas of responsibility of the system agency and member libraries;

ii) identify consultant services by type of assistance and individual consultants;

iii) address the goal of universal interface;

iv) outline criteria for testing and implementing new technologies;

v) include an automation technology disaster and security plan.

B) The system agency shall facilitate opportunities for members to participate in a shared automation system.

C) The system agency shall provide for demonstrations of appropriate technological advances for member libraries in convenient locations at least once per year.

2) Automation Technology − Staff and Resources

A) The system agency shall provide for one or more consultants to advise member libraries on evaluating the use of automation/technology in improving library services and in addressing the system automation plan.

B) System automation consultants who specialize in automation/technology consulting shall meet the following minimum qualifications:

i) a master's degree in a pertinent subject area: for example, American Library Association-accredited Master of Library Science or Master of Science in computer science or information technology.

ii) at least three years of professional experience in an

automation/technology field.

C) System consultants shall have at least 30 contact hours of continuing education each year, excluding attendance at general library conferences.

3) Automation Technology − Membership Responsibilities
Member libraries should fulfill their responsibilities as identified in the system automation plan.

f) Bibliographic Access

1) Bibliographic Access − Administration and Service

A) The system agency, as a minimum, shall have an operational plan for maximizing bibliographic access to member libraries. The operation plan shall:

i) state the system agency goals and objectives in its provisions for bibliographic access (including the priorities of the various subjects and of resources);

ii) indicate the means of achieving these goals and objectives, the priorities and a schedule for their achievement;

iii) assign responsibilities for the implementation, evaluation and annual review and revision of the plan;

iv) identify how automated online access to unique holdings can be provided, including a timetable for achieving access.

B) The system agency shall have an operational cooperative collection management plan that complements the statewide plan. The operational plan shall:

i) describe the means of continuously identifying desired bibliographic resources not currently available in the collection of system members;

ii) identify existing resources to be preserved/retained;

iii) set up a system-wide collection management framework.

C) The system agency shall have ready electronic access to the automated library resources of the agency and member libraries.

D) The system agency shall participate in the computerized linking of bibliographic databases.

E) The system agency shall coordinate the development of protocols for use of the members' bibliographic databases.

F) The system agency shall promote and encourage computerized public access to the system's bibliographic databases.

2) Bibliographic Access − Staff and Resources

A) The system agency shall assign a professional staff member to be responsible for the system's bibliographic access activities under the plan.

B) The system agency shall provide a directory of the bibliographic databases accessible within the system.

C) The system agency will work with member libraries in promoting the cataloging of library materials in MARC (Machine readable cataloging) format when entered into bibliographic databases.

D) The system agency shall have online access to national and international bibliographic databases.

3) Bibliographic Access − Membership Responsibilities

A) Member libraries should have bibliographically organized collections of library materials, cataloged in accordance with national standards such as MARC format, if automated, in order to facilitate access by other members.

B) Member libraries' computerized bibliographic records should be input according to the standards specified in a statewide automation plan.

i) Bibliographic control for the Illinois library automation network must be based upon standardized cataloging rules.

ii) The following data fields should also be used when entering new holdings into local, library system and State databases: International Standard Book Number/International Standard Serial Number (ISBN/ISSN), Library of Congress Card Number (LCCN) and Online Computer Library Center (OCLC) Number, if available. The entry of these specific elements in the database records will facilitate resource sharing throughout the State.

C) Member libraries should participate in the system bibliographic access and cooperative collection management plans.

g) Consulting

1) Consulting − Administration and Service

A) The system agency shall have an operational plan that describes consulting services offered to member libraries. The operational plan, as a minimum, shall:

i) identify the consulting services provided;

ii) identify the individuals of the system staff or as otherwise designated by the system as the provider of the consulting service in each of the core service and general consulting areas;

iii) describe the means that the system has chosen to deliver the service, including shared consulting services with other systems;

iv) state the level of consulting assistance that can be expected.

B) The system agency shall provide consulting service in each of the core service areas and the following general areas: Collection Management, Establishment, Expansion and Development of Library Service, Grants Development, Interlibrary Cooperation Activities, Legislation/Law, Library and Personnel Administration, Marketing of Library Service, and Planning and Budgeting, and in such areas as the respective system needs assessment may indicate.

C) System consultants shall acknowledge requests for consulting within two working days.

D) System consulting service shall satisfy at least 90 percent of consulting requests in the core and general consulting areas listed in subsection (g)(1)(B) and in other areas as outlined in the system plan of consulting service.

E) System consulting service shall satisfy the percentage indicated in subsection (g)(1)(D) of requests for consulting within five working days or negotiate a different time limit with the person making the request.

2) Consulting − Staff and Resources

A) System consultants or other persons designated by the system to consult in the general consulting areas, as specified in subsection (g)(1)(B) of this Section, shall possess the following minimum qualifications:

i) a fifth-year degree from an American Library Association-accredited library program or, if the consultant is not a librarian, the degree or other formal educational qualification generally accepted by the practitioners of that profession or occupational specialty as the minimum acceptable for such practitioner;

ii) at least three years' relevant experience in the consultant's designated areas of expertise;

iii) demonstrated experience in effective written and oral communication, as well as group process techniques.

B) Each system having 100 or fewer members shall employ, contract for, or otherwise provide a minimum of three full-time equivalent (FTE) consultants, excluding the executive director. Each system having more than 100 members shall employ or contract for at least three FTE consultants, excluding the executive director, for the first 100 members and at least one additional consultant for each additional 50 members or any fraction of that number.

C) Each full-time consultant shall spend at least 30 contact hours, and each part-time consultant shall spend at least the proportional amount of contact hours, in each calendar year attending workshops, seminars, classes, etc., to improve specific skills relevant to the consulting assignment.

D) Each consultant on the system's staff shall spend at least five days annually at system expense in attendance at regional, state, national or international professional meetings relevant to the consultant's profession.

3) Consulting − Membership Responsibilities

A) Personnel in member libraries should be willing to share expertise with other member libraries.

B) Member libraries should be cognizant of the scope of the consulting services available through the system agency.

C) Member libraries should provide input on consulting needs to be addressed so that they may be included in the system plan.

h) Continuing Education (CE)

1) Continuing Education − Administration and Service

A) The system agency shall have a continuing education operational

plan of service. The operational plan, as a minimum, shall:

i) describe the levels of continuing education for staff of all types of libraries;

ii) include programs convenient in time and place for target audience;

iii) provide opportunities for cosponsorship of events;

iv) identify a mechanism for determining priorities for continuing education;

v) provide for a method for annual review of programming needs;

vi) provide a mechanism for keeping track of continuing education credit.

B) The system agency shall maintain a continuing education calendar.

C) The system agency shall annually assess continuing education needs of members and design continuing education events to meet those needs on a timely basis.

D) The system agency shall annually provide or cosponsor at least 50 contact hours of continuing education for staff and governing officials of member libraries.

E) The system agency shall annually provide or cosponsor at least one continuing education event of each of the following types:

i) An orientation program for staff, trustees, and governing officials of member libraries;

ii) A workshop for governing officials in addition to the orientation program as outlined in subsection (d)(1)(C) of this Section;

iii) A program of new developments in areas such as technology, legislation, and new approaches to problem solving.

2) Continuing Education − Staff and Resources

A) The system agency shall designate a continuing education coordinator to guide the planning and implementation of continuing education programs.

B) The system agency shall provide access to adequate facilities/meeting rooms and equipment for presenting continuing education programs.

3) Continuing Education − Membership Responsibilities

A) Member libraries should provide paid release time for their professional staff to attend at least 10 contact hours, and for support staff to attend at least five contact hours, of system-sponsored or system-endorsed continuing education events annually.

B) The staff of member libraries should be willing to serve as resource people for continuing education events.

C) Member libraries should send appropriate persons to the orientation programs cited in subsection (h)(1)(E) of this Section.

i) Delivery

1) Delivery − Administration and Service

A) The system agency shall have an operational delivery plan for delivery service to member libraries. The operational plan, as a minimum, shall:

i) identify delivery methods available and when to use each;

ii) describe delivery schedules and subschedules;

iii) identify fixed points for picking up and receiving materials;

iv) describe the mechanism for determining van delivery and locations and deliveries. For example: poundage, items;

v) provide for a mechanism for annual review;

vi) describe how the system delivery service interfaces with other systems through the Illinois Library Delivery Service (ILDS).

B) The system agency shall establish uniform procedures to govern problems related to delivery service. The uniform procedures, for example, should include:

i) packaging standards and indemnification of suppliers for loss or damage in delivery;

ii) uniform format for schedules so that they can be shared between systems;

iii) statewide uniform statistical data-gathering methods;

iv) guarantees on payment for materials lost in transit.

C) The system shall provide a vehicular delivery service to deliver materials to and from member libraries.

D) Each member library shall receive direct delivery a minimum of two times per week when it needs and requests such delivery.

E) Delivery points shall be determined on criteria including but not limited to volume of use, collection strengths and convenience of member libraries.

F) The system agency shall ensure that each member library has an option for delivery up to five days per week to a drop-off point.

G) The system agency shall have procedures for members that identify the means of delivery to be used in particular circumstances.

2) Delivery − Staff and Resources

A) The system agency shall have staff to carry out the day-to-day operations of the delivery service.

B) The system agency shall ensure that its delivery service shall complete the delivery schedule a minimum of 98 percent of the time.

3) Delivery − Membership Responsibilities

A) Member libraries should have designated staff to oversee delivery at their libraries.

B) Member libraries should provide for delivery in accordance with the system delivery schedule.

C) Member libraries should have access to facilities for receiving electronic transmission of library materials 24 hours per day.

D) Member libraries should package materials for delivery in accordance with the system delivery plan.

E) Member libraries should utilize the system and statewide delivery services unless a more cost-effective method is available to them.

j) Interlibrary Loan (ILL)

1) Interlibrary Loan − Administration and Service

A) The system agency shall have an operational plan for interlibrary loan, including interlibrary loan policy, a system ILL code, and ILL procedures, that encourage library to library interlibrary loan. The operational plan, as a minimum, shall:

i) describe procedures for monitoring compliance with the Illinois Library and Information Network (ILLINET) and system interlibrary codes;

ii) describe the complaint procedure;

iii) define responsibilities of the local library, along with procedures for submitting ILL requests to the system headquarters;

iv) specify intrastate, interstate and international ILL;

v) describe the system agency responsibilities for ILL;

vi) publish the list of authorized charges for those interlibrary loan transactions allowed according to the Illinois Interlibrary Loan Code;

vii) provide for a method for regular monitoring and evaluation of interlibrary loan service, including the collection and publication of ILL statistics.

B) The system agency shall work with member libraries to improve local interlibrary loan service.

C) The system agency shall accept requests for ILL as specified in the ILL codes and system procedures.

D) The system agency staff shall initiate processing of ILL requests within one working day after receipt.

E) The system agency staff shall verify, locate, request, refer or cancel ILL requests received at system headquarters within three system working days.

F) The system agency shall ensure that sources are immediately available to verify at least 85 percent of the ILL requests received from member libraries.

G) The system agency shall distribute interlibrary loan public relations materials to member libraries.

2) Interlibrary Loan − Staff and Resources

A) The system agency shall provide identified staff assigned to the ILL service for a minimum of 40 hours per week.

B) The system agency shall offer ILL training programs for staff of member libraries at least semiannually.

C) The system agency shall hold an annual interlibrary loan performance assessment for ILL staff from the system and member libraries to identify and discuss areas needing improvement.

D) The system agency shall have a telefacsimile machine (or a later state-of-the-art equivalent) with an automatic answering device available for ILL purposes 24 hours per day.

E) The system agency staff shall have direct access to local, regional, national and international bibliographic databases.

3) Interlibrary Loan − Membership Responsibilities

A) Member libraries should offer and promote interlibrary loan service to their primary clientele.

B) Member libraries are responsible for training staff to handle ILL transactions and statistics-gathering and statistics gathered in accordance with system policies and procedures.

C) Member libraries should send staff to system ILL training sessions and participate in the annual assessment of ILL services.

D) Member libraries should attempt to verify requests from bibliographic resources, and should verify at least 75 percent of the requests.

E) The member libraries should submit interlibrary loan requests

directly to other libraries whenever possible.

k) Reciprocal Access

1) Reciprocal Access − Administration and Service

A) The system agency shall adopt a reciprocal access plan. The reciprocal access operational plan, as a minimum, shall include:

i) how member libraries in the system shall provide reciprocal access;

ii) who is eligible for reciprocal access;

iii) limitations individual member libraries may establish for reciprocal access;

iv) the scope of reciprocal borrowing within the system, including how public libraries shall participate in the program and other libraries can participate in the program;

v) the definition of a library card valid for purposes of reciprocal borrowing. As a minimum the card should include name, address, expiration date and name and address of issuing library;

vi) the charge for a minimum nonresident fee in order for nonresidents to be eligible for reciprocal borrowing.

B) The system agency shall be responsible for coordinating aspects of the reciprocal borrowing program.

C) The system agency shall adopt protocols to govern problems arising from reciprocal borrowing.

D) The system agency shall conduct an assessment of reciprocal access within the system every two years to determine the extent of reciprocal access and its impact on system-wide library service.

2) Reciprocal Access − Staff and Resources
The system agency shall designate a reciprocal access coordinator to monitor and guide the reciprocal access program.

3) Reciprocal Access − Member Library Responsibilities

A) Member public libraries should provide reciprocal borrowing to persons holding a valid library card from a public library in Illinois.

B) Libraries issuing a valid library card are responsible for materials lost by patrons when using reciprocal borrowing.

C) Member public libraries should circulate materials to eligible reciprocal borrowers under the same conditions that they circulate those materials to their own patrons.

D) All member libraries should provide for reciprocal access to other member libraries.

l) Reference Service

1) Reference − Administration and Service

A) The system agency shall have an operational plan for reference services. The reference operational plan, as a minimum, shall:

i) define responsibilities of the local library, along with procedures for submitting reference requests to system headquarters;

ii) describe complaint procedure;

iii) describe system agency responsibilities and identify individuals responsible for providing reference service;

iv) provide for a method of regular monitoring and evaluation of reference service at all levels within the system;

v) provide for the collection and publication of appropriate statistics.

B) The system agency shall have written policies and procedures for filling the reference queries of its member libraries.

C) The system agency shall assist member libraries in meeting their responsibilities under the reference plan through consultant services and a continuing education program.

D) The system agency shall fill, respond to, return or refer 90 percent of information or subject requests within two working days, and all requests within five working days.

E) Library systems shall provide for reference service to their member libraries for the full range of hours that member library reference service is available.

2) Reference − Staff and Resources

A) The system agency shall designate a reference coordinator for the drafting and the implementation of the reference plan.

B) The system agency shall provide enough staff performing system reference work.

C) The person coordinating reference work shall meet the following minimum qualifications:

i) a fifth-year degree from an American Library Association-accredited library education program;

ii) two years of full-time professional experience working in libraries;

iii) at least one year of experience in reference work, with demonstrated competence in the provision of reference service. Other staff members providing high-level reference service should also meet these qualifications.

D) The system agency shall have access to or maintain reference resources that will enable the reference staff to answer at least 80 percent of the requests received.

E) The system agency shall provide members with lists of reference materials and sources of information, incorporating procedures for cooperative collection development when applicable.

3) Reference − Membership Responsibilities

A) Member libraries should meet minimum levels of reference service as defined in the system reference plan.

B) Member libraries should promote system-wide reference services by referring or offering to refer all unfilled requests to other libraries within the system.

C) Each member library should ensure that the staff members working on reference requests are skilled in basic reference sources and interviewing techniques. Such staff should have a clear understanding of the system reference plan.

m) Development of Additional System Services

1) The system agency shall develop service programs that are necessary to meet the objectives of the Illinois Library Systems Act and members' needs.

2) Services provided by the system agency shall address the needs of member libraries.

3) The services shall include both qualitative and quantitative measures and written descriptions of standards for them shall include the same sections as the core services: Definition, Administration and Service, Staff and Resources, and Membership Responsibilities.

4) The system agency shall gather input from member libraries when developing service programs and the accompanying qualitative and

quantitative measures.

5) The system agency shall develop service programs that further the system's Plan of Service.

6) The system agency shall have a process to evaluate the system's services.

7) The system agency shall identify service programs provided by other system agencies that are the same or similar throughout the State and jointly develop these programs so as to avoid duplication and ensure a standard level of service.

8) The system agency shall initiate a service when financial resources are available to provide a quality service.

Section 3030.55 Service to State Institutions (Repealed)

Section 3030.60 Services to the Physically disabled (Repealed)

Section 3030.65 Plan of Service for a Cooperative or Multitype Library System

Each system shall adopt a plan of service that covers the services provided by the system headquarters, contracting libraries (if such are designated), and the cooperative services of member libraries. The plans shall be reviewed, and revised if necessary, by the system board on an annual basis. The State Librarian shall review the system plans every year, as part of the application for system funds cited in 23 Ill. Adm. Code 3035.100, and shall approve them if they insure that the systems will achieve or make substantial progress toward achieving the standards and objectives of Section 3 of the Act and will achieve the service standards of Section 3030.50 of this Part and are not in conflict with State law and rules and regulations of the State Librarian. If the plan is in violation, the State Librarian shall take action in accordance with Section 3030.110 (Revocation of Approval) as provided in this Part. This plan will consist of:

a) A Long Range Program for the maintenance and development of system headquarter's services and programs for member libraries, including those in State institutions. The Long Range Program shall include goals and measurable objectives and a process for evaluating if the objectives have been met. The plan shall show evidence of being developed with input from the board and membership.

b) A plan for the fiscal year, including specific plans for services that address the system standards cited in Section 3030.50 of this Part. The plan shall show evidence of being developed with input from the board and membership. The plan shall include a list of all available services for which a fee is proposed, and shall include an explanation and justification for the fee. No new fees or fee charges shall be implemented until after the operational plan is approved by the State Librarian.

c) An up-to-date listing, with membership categories of all system members, including name of library, address, telephone numbers, and other information that may be requested by the State Librarian.

d) Certification that the plan of service is up-to-date with signatures of the Board President and System Director and the date of board review.

e) Operational plans for system standards according to the implementation plan established by the State Librarian in Section 3030.50 of this Part.

f) Other information that may be requested by the State Librarian on an annual basis.

Section 3030.70 Plan of Service for a Public Library System (Repealed)

Section 3030.75 Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System

The years of service on a library system board before the conversion of that system to a multitype library system shall be counted in computing the years of service allowable to a member of the board of a multitype library system.

Section 3030.80 Liquidation

a) Upon receipt of an application to terminate a system and to cause a liquidation thereof, the State Librarian shall:

1) Poll the adjoining systems to assess to what extent and at what date any such adjoining systems can provide, to all or part of the service area of the liquidating system, a level of service equal to that provided by the liquidating system; and

2) Assess whether and to what extent adjoining systems can assume and absorb the assets and liabilities of the system proposed to be liquidated.

b) The board of directors of the library system shall develop the plan of liquidation for approval of the State Librarian. Such plan shall contain:

1) Complete list of all liabilities for the library system

2) Complete list of all assets of the library system, including detailed equipment descriptions

3) Proposals for distribution of all assets and liabilities

4) A plan for the orderly transition of system services.

c) All distribution of assets (including equipment items and real property) and liabilities shall be with the approval of the State Librarian.

d) The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for the continuance of member services.

e) Once the State Librarian has determined that one or more of the adjoining systems meet the conditions stated above, the member libraries within the service area of the liquidating system will be notified that they may apply for membership to a new library system serving that area.

f) The State Librarian shall solicit and consider information regarding proposed boundary adjustments from each of the affected libraries before making the final determination as to the geographic boundaries of the library systems in the area previously served by the liquidating system.

Section 3030.85 Merger

a) Termination of One Library System

1) In the event that the board of directors of a library system determines to terminate the system in order to merge the service area of the system to

one or more adjoining library systems, the board shall poll the member libraries of the system. If at least two-thirds of the member libraries support the proposed termination, the board of directors of the library system shall submit an application for termination to the State Librarian stating the intent of the member libraries. Such application shall contain:

A) Complete list of all liabilities of the library system.

B) Complete list of all assets of the library system including detailed equipment descriptions.

C) Proposals for distribution of assets and liabilities. The sale of any equipment or real property shall be at the approval of the State Librarian. Every effort shall be made to ensure the equipment continues to be used to provide member services.

D) A plan for orderly transition of system services.

2) The State Librarian will then determine how the assets and obligations of the system to be terminated will be allocated to the existing systems based upon percentage of population and area of the terminated system being merged with the existing systems.

b) Merger to Two or More Library Systems

1) In the event that the boards of directors of two or more library systems determine to terminate the systems in order to merge with one another to form a single new system, they shall submit an application to the State Librarian together with a plan for the creation of the new system. Such application shall contain:

A) Complete list of all liabilities of the library system.

B) Complete list of all assets of the library system including detailed equipment descriptions.

C) Proposals for distribution of assets and liabilities. The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for

the continuance of system services by the successor system or systems or to member libraries.

D) A plan for the orderly transition of system services.

2) All distribution of assets and liabilities shall be with the approval of the State Librarian.

3) Upon approving the application, the State Librarian will direct the member libraries in said service areas to proceed to form a successor system in accordance with Section 3030.25 of this Part. The assets and liabilities of the terminated systems will then be transferred to the successor system.

Section 3030.90 Finances and Records

a) The fiscal year for each system shall begin July 1 and end on June 30 of each year.

b) The board of directors of each library system shall:

1) Maintain all financial records at the system administrative headquarters.

2) Cause an annual audit of the records of the system for the preceding fiscal year and those maintained by the Treasurer to be made by an independent certified public accountant. The certified public accountant shall be guided by "Government Auditing Standards, 2007 Revisions", published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington, DC 20548. The material incorporated by reference includes no later amendments or editions.

3) Account for all funds of the library system by expenditure, encumbrance or reserves at June 30 of each year.

4) Adopt, prior to July 1 of each year, an annual budget for the ensuing fiscal year in a form prescribed by the Illinois State Library. The annual budget shall be submitted to the State Librarian as part of the annual Plan of Service for a Cooperative or Multitype Library System cited in 23 Ill. Adm. Code 3030.65.

5) Maintain an inventory of all equipment purchased.

6) Ensure that all accounts for the library system are organized on the basis of funds (Governmental Funds, Proprietary Funds and Fiduciary Funds). The adopted budget and revenue-expenditure reports of the library system shall be created on this same basis of account/fund structure.

7) Ensure that financial reports are submitted to the State Librarian twice a year. A six-month cumulative revenue-expenditure report is due to the State Librarian on February 15 of each year for the period of July 1 through December 31. The annual audit of the library system shall be filed with the State Librarian on or before September 30 following the end of the fiscal year.

Section 3030.95 Governing Board

There will be no alternate directors on system boards.

Section 3030.100 Rules

Rules adopted by the system boards for the government of library systems shall be filed with the State Library. Such rules should cover, at a minimum, the following areas of system operations:

a) Fiscal accountability policies,

b) Personnel policies,

c) Criteria for the approval of the new members,

d) Fulfillment of the system's plan of service, and

e) Provision for appeal of system board decisions affecting approval of applications for membership or suspension of libraries from membership.

All system rules shall be consistent with state laws and subject to approval by the State Librarian.

Section 3030.105 State Grants (Repealed)

NOTICE OF PROPOSED REPEALER

Section 3030.106 Educate & Automate Automation/Technology Grants (Repealed)

Section 3030.110 Revocation of Approval

When the State Librarian finds that a library system is not complying with the Act, this Part or its approved plan of service, or has failed to submit an application or reports which meet the requirements of this Part, he shall notify the system board in writing of his finding and set a date by which the library system must achieve compliance or submit for approval a plan that will effect compliance. If the library system does not meet these conditions, the State Librarian shall revoke the approval of the system, effective as of the end of the fiscal year in which the conditions are not met. The State Librarian shall then proceed to liquidate the system under Section 3030.80 of the Part.

Section 3030.115 Suspension of a Library from Membership

a) The State Librarian shall review the action of the system board in suspending a member library within sixty days of receipt of notice of such action. He shall concur in the suspension if:

1) He finds that the library is not meeting the requirements of this Part,

2) The library has had sixty days to respond to the allegations of the system board,

3) The library has not entered into an agreement with the system board that it will fulfill all the conditions of system membership within the time period specified by the board.

b) During the period of suspension, a library cannot participate in any system services and has no obligation to the system, except obligations specifically incurred prior to the date of the suspension. If the library does not reestablish its membership in the system within three years of the date of suspension, or if a library receives three suspensions within a period of three consecutive years, the State Librarian shall terminate the library's membership in the system.

c) If the State Librarian does not concur in the suspension of a member library by the system board, he shall so inform the system board and the library and shall furnish a written explanation of his decision. The suspension, then, shall not take effect.

d) A library whose membership in a library system is terminated shall return to the system administrative headquarters all library materials and equipment purchased with system funds and on deposit at such library.

Section 3030.120 Adjustment of the Geographic Boundaries of Library Systems

a) The State Librarian may direct the Illinois State Library Advisory Committee to review the geographic boundary in a specific area, or the existing geographic boundaries for all library systems, whenever one or more of the following conditions are present.

1) There is new demographic information available from a federal census or other sources.

2) Two or more library systems request that the State Librarian review a shared boundary in a specific area of the State.

3) A change in library management practices, governance, funding, or technology significantly impacts one of the factors considered in Section 3030.30 of this Part.

b) The Illinois State Library Advisory Committee will notify libraries and library systems that would be directly affected by a proposed adjustment of a geographic boundary that the boundary is being reviewed and will provide them with the following information:

1) A general description of the boundary adjustment that is being considered.

2) The effect that the boundary adjustment would have on system membership in the area under review.

3) The criteria from Section 3030.30 of this Part that are being used to evaluate the proposed boundary adjustment.

4) The date by which comments on the proposal must be received by the Illinois State Library and the address to which comments must be sent.

5) The date, time, and location of the meeting at which the Illinois State

Library Advisory Committee will discuss the proposed adjustment to geographic boundaries.

c) The Illinois State Library Advisory Committee will review the information which prompted the proposed adjustment, the comments received from potentially affected libraries and library systems, and any other information that may be provided by the Illinois State Library, and will hold a meeting to discuss the proposed adjustments to geographic boundaries.

d) The Advisory Committee will make a recommendation to the State Librarian on each suggested adjustment to the geographic boundaries of library systems.

e) The State Librarian shall issue a final decision regarding the proposed boundary adjustment after reviewing the recommendation of the Illinois State Library Advisory Committee and any information presented to the Advisory Committee in accordance with the criteria set forth in Section 3030.30 of this Part.

f) When boundary adjustments are approved, the area and population of the affected library systems shall be adjusted at the beginning of the State fiscal year that commences at least eight months after, but no more than twenty months after, the final decision by the State Librarian.

Section 3030.121 Administrative Review of State Librarian's Decision in Contested Cases

a) A library or library system seeking reconsideration of the State Librarian's decision in contested cases shall request in writing a hearing within thirty days after the date of the decision.

b) Grounds for appeal shall include the following: The rules covering the situations specified in Section 3030.20 of this Part were not applied or were applied incorrectly by the Illinois State Library and/or the Illinois State Library Advisory Committee.

c) Grounds for appeal shall not include the following:

1) The library or library system would like to submit additional or clarifying information beyond the deadline.

2) Funds appropriated for grants cited in Section 3030.20(e) of this Part

remain unobligated after successful applicants were awarded grants.

d) Upon receipt of a request for review the State Librarian shall appoint an administrative law judge to officiate at the review hearing. The administrative law judge shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law.

e) No person who has a bias or conflict of interest regarding the contested matter shall be appointed administrative law judge.

Section 3030.122 Notice of Hearing

Within fifteen days after the administrative law judge's appointment, the administrative law judge shall serve notice by either certified or registered mail to the parties. The notice shall include the following:

a) A statement of the time, place, and nature of the hearing. The hearing shall be held within thirty (30) days after the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield;

b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

c) A reference to the particular Sections of the substantive and procedural statutes and rules involved;

d) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;

e) The name and mailing address of the administrative law judge and all interested parties who have been given personal notice.

Section 3030.123 Conduct of Hearing

a) All hearings shall be open to the public.

b) All parties may be represented by legal counsel.

c) All parties shall be afforded opportunity to present evidence and argument and to respond to evidence and argument presented by other parties.

d) Each party shall have the right to present and examine witnesses appearing on their own behalf, to introduce exhibits, and to cross-examine opposing witnesses presented on any matter relevant to the issues. No subpoena shall be issued to compel the appearance or testimony of any witness or party.

e) Parties may agree by stipulation upon any fact involved in the hearing.

f) Any party shall have the right, upon written motion made at least ten (10) business days prior to the hearing, to inspect any relevant document in the possession of, or under the control of, any other party, subject to any statutory or constitutional privileges. Inspection of documents shall be at times and places reasonable for the custodian of the documents. Discovery depositions are not authorized, required or permitted.

g) Disposition of the contested case may be made by stipulation, agreed settlement, consent order or default.

h) A request for continuance of a hearing is directed to the sound discretion of the administrative law judge. Such continuance may be granted, for good cause shown, provided the request is received by the administrative law judge and other parties not less than five (5) days prior to the hearing date or unless good cause is shown during the hearing. Such request shall be in writing and shall set forth the grounds alleged therefore. Oral request for continuances shall not be granted unless made during the hearing for good cause. "Good cause" is shown when a party demonstrates a real and compelling need for additional time.

i) No formal hearing shall be continued "generally." A continuance, when granted, shall state a date certain, not more than sixty (60) days from the prior hearing date, at which time the hearing shall reconvene.

Section 3030.124 Motions

a) Unless made during a hearing, motions shall be made in writing and shall set forth the relief or order sought.

b) Amendments to all pleadings, motions and petitions to intervene shall be allowed

upon proper motion at any time during the proceeding.

Section 3030.125 Order of the Hearing

a) The following shall be the order of the hearing subject to modification by the administrative law judge if the administrative law judge determines that such modification would avoid undue delay and would not prejudice the rights of any party:

1) Introduction and opening statement by administrative law judge;

2) Complainant's opening argument;

3) Respondent's opening argument;

4) Complainant's case in chief;

5) Respondent's case in chief;

6) Complainant's case in rebuttal;

7) Respondent's closing argument;

8) Complainant's closing argument;

b) At the administrative law judge's discretion, parties may be asked to file a written brief instead of, or in addition to, a closing argument.

c) All testimony taken shall be under oath or affirmation. All motions and objections shall be stated in writing or orally on the record, including the grounds for such objections.

d) After the hearing, the administrative law judge shall review the record and provide a recommendation within fifteen business days to the State Librarian.

Section 3030.126 Authority of Administrative Law Judge

The administrative law judge shall conduct a fair and impartial hearing, take all necessary action to avoid undue delay, maintain order, and ensure development of a clear and complete record.

Section 3030.127 Record of the Hearing

a) The record of the hearing shall include the following:

1) All pleadings (including all notices and responses thereto), motions, and rulings;

2) All evidence received;

3) A statement of matters officially noticed;

4) Any offer of proof, objection, and ruling thereon;

5) Any proposed finding and exception;

6) Any decision, opinion or recommendation reported by the administrative law judge;

7) All memoranda or data submitted to the administrative law judge or to the State Librarian in connection with the matter;

8) Any ex parte communication received by the State Librarian, his employees or administrative law judge. No such communication shall form the basis for any finding of fact;

9) The Order of the State Librarian which shall constitute a final administrative decision within the provisions of the Administrative Review Law.

b) Oral proceedings or any part thereof shall be recorded stenographically or by other means that will adequately ensure the preservation of the proceeding and shall be transcribed at the request of any party at that party's expense.

c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 3030.128 Rules of Evidence; Official Notice

a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this state shall be followed. Evidence not admissible under those rule of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

b) The library or library system bears the burden of showing by clear and convincing evidence that the matter should have been handled in the opposite manner.

c) All items submitted into evidence shall by typewritten or printed and shall not exceed a width of 8 1/2 inches and a length of 11 inches. All items submitted into evidence shall be clearly marked with the name, address and telephone number of the party submitting the item.

d) Official notice will be taken as authorized by Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].

Section 3030.129 Decisions and Orders

a) All final decisions or orders shall be in writing and shall include findings of fact and conclusions of law separately stated. All parties or their agents appointed to receive service of process shall be notified of the State Librarian's final decision personally or by registered or certified mail within thirty days after the administrative law judge's report. Findings of fact shall be accompanied by a concise and explicit statement of the underlying fact supporting the findings. Parties or their agents appointed to receive service of process shall be notified either by registered or certified mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed to each party.

b) All orders shall specify that they are final and subject to Administrative Review Law.

Section 3030.130 Annual System Reports

Each system shall file an annual report with the State Library on or before September 30 of each year for the preceding fiscal year, July 1-June 30. The report shall be on forms prescribed under

Section 3030.15 of this Part, and shall include:

a) A narrative report containing an evaluative description of the system's activities and accomplishments for the year in light of the system standards and objectives set forth in the annual application specified in Section 3030.65 of this Part.

b) A statistical report containing data on system membership, the volume of interlibrary loan and reciprocal borrowing transactions, staff positions authorized and filled, salary schedules and fringe benefits, and other information requested by the State Librarian. The report shall be accompanied by, but not limited to, additional documents including an inventory of equipment purchases, a table or chart of organization, a schedule of system board meetings, the latest approved bylaws, and a photocopy of the treasurer's surety bond.

c) A list of changes in system membership and the system service area including, but not limited to, a list of all public library mergers, changes of library names, new members of the system (by type of library), territorial changes affecting the public libraries, public library annexations, documentation of changes in square miles, and an updated summary of changes in the system that are served and not served by public libraries.

Section 3030.135 Withdrawal of Membership

Within sixty (60) days from withdrawal of membership from a library system, all materials and equipment purchased with library system headquarters funds and on deposit at such library shall be returned to the system administrative headquarters.

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

1) Heading of the Part: The Illinois State Library System Act

2) Code Citation: 23 Ill. Adm. Code 3030

3)

Section Numbers:	Proposed Action:
3030.100	New Section
3030.110	New Section
3030.200	New Section
3030.205	New Section
3030.210	New Section
3030.215	New Section
3030.225	New Section
3030.230	New Section
3030.235	New Section
3030.240	New Section
3030.245	New Section
3030.250	New Section
3030.255	New Section
3030.260	New Section
3030.265	New Section
3030.270	New Section
3030.300	New Section
3030.310	New Section
3030.315	New Section
3030.325	New Section
3030.330	New Section
3030.335	New Section
3030.340	New Section
3030.345	New Section
3030.350	New Section
3030.400	New Section
3030.410	New Section
3030.420	New Section
3030.430	New Section
3030.440	New Section
3030.445	New Section
3030.450	New Section
3030.455	New Section
3030.460	New Section

3030.470	New Section
3030.480	New Section
3030.490	New Section
3030.495	New Section
3030.EXHIBIT A	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: This Part is being proposed as new because the model of library systems in Illinois has changed dramatically since its inception in 1967. At that time, there were 18 library systems in the State with the role of providing services to public libraries that fostered the creation of public library service areas where none previously existed. Over the years, the library systems' role evolved in facilitating library services in their regions and changed their emphasis from primarily public library development to serving other types of libraries, including school, academic and special libraries. To achieve cost savings and efficiencies, beginning in the 1990s, systems began to merge and, by 2010, the number of systems was reduced from 18 to 10. In 2011, because of the State's cash flow difficulties, library systems further merged, and now there are three systems in the State: the Chicago Public Library System (serving the Harold Washington Library Center and CPL branches); the Reaching Across Illinois Library System (serving all types of libraries in the northern half of the state; and Illinois Heartland Library System (serving downstate libraries of all types). In conjunction with this rulemaking, the existing text of Part 3030 is being repealed.

6) Published studies or reports, and sources of underlying date, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes, the current Part is being repealed and this new Part is being proposed as replacement rules.

11) Statement of Statewide Policy Objective: These rules address the three main core services of a library system: administrative, delivery and resource sharing.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profits corporations affected: None

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which these rules were summarized: July 2014

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

SECRETARY OF STATE

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3030
THE ILLINOIS LIBRARY SYSTEM ACT

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3030.100 Purpose
3030.110 Definitions

SUBPART B: MULTITYPE LIBRARY SYSTEM

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3030.225 Geographic Boundaries and Demographics
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3030.420 Notice of Hearing
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3030.EXHIBIT A ILLINET Interlibrary Load Code

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

SOURCE: Old Part repealed at 39 Ill. Reg. _____ and new Part adopted at 39 Ill. Reg. _____, effective _____.

SUBPART A: PURPOSE AND DEFINITIONS

Section 3030.100 Purpose

This Part is established to implement the provisions of the Illinois Library System Act [75 ILCS 10]. The purpose of this Part is to support the program of State grants designed to establish, develop and operate a network of library systems and to encourage cooperation among all types of libraries in the sharing of library resources.

Section 3030.110 Definitions

"Academic Library" means the library or libraries of an institution of education beyond the secondary level that is recognized by the Illinois Board of Higher Education as either an Illinois academic institution or an out-of-state academic institution with a physical presence in Illinois.

"The Act" means the Illinois Library System Act [75 ILCS 10].

"Annual Application" means the application a library system submits to the Illinois State Library for a System Area and Per Capita Grant funded in 23 Ill. Adm. Code 3035.100. The components of the application are in Sections 3030.265 and 3030.345 of this Part.

"Bibliographically Organized Collection" means library materials, regardless of format, are arranged in a logical sequence in accordance with national standards so that individual items can be located.

"Branch Library" means a separately located building of a library organization where library materials or services are made available to be borrowed or used by patrons or, in academic libraries, a separate collection or departmental library associated with a specific discipline.

"Certification" means the process by which library system members annually qualify and provide information to the library system and the Illinois State Library about continued eligibility for library system membership.

"Core Services" means the basic services, funded by the annual System Area and Per Capita Grant, that are provided by library systems to all full member libraries. The core services are specified by the State Librarian and addressed in the annual library system application, specified in Sections 3030.265 and 3030.345. Core services include the areas specified in the library system standards in Sections 3030.215 and 3030.315.

"Delivery" means the physical transfer of library materials among full library system members, library systems and the Illinois State Library using vehicles, commercial couriers and/or mail. Delivery is a core system service.

"Developmental Library" means a library that does not meet the requirements for full library system membership as of the effective date of this Part but is eligible

for library system communications and assistance from library system staff in addressing full membership as the library works towards full system membership.

"Eligible Elector" means a person who is eligible to register and vote, under the provisions of Section 3-1 of the Illinois Election Code [10 ILCS 5], in the geographic area of the library system.

"Fees" means those charges, with justification disclosed, in the library system's annual application and approved by the State Librarian prior to implementation.

"Full Member" means a library that meets the criteria for full library system membership as specified in Section 3030.200.

"Governing Authority" means the body or individual that has the legal authority to enter into contracts on behalf of the institution desiring to become a member of a library system.

"Illinois Library Delivery Service" means the statewide vehicular delivery service, funded by the Illinois State Library, that provides delivery to library system headquarters and designated facilities, eligible academic members and the Illinois State Library in order to facilitate the movement of books and other library materials throughout the State, pursuant to Sections 3030.215(d) and 3030.315(d).

"ILLINET" means the Illinois Library and Information Network, which consists of the library systems, their full member libraries and the Illinois State Library.

"Illinois State Library Advisory Committee" means the statutory advisory committee of the Illinois State Library as specified in Section 5 of the State Library Act [15 ILCS 320].

"Integrated Library System" means a single automated system that shares the functions of acquisitions, cataloging and circulation and the patron online catalog.

"Interlibrary Loan" means the process by which a library requests material from, or supplies material to, another library. Whether initiated by library staff or patron, the purpose of interlibrary loan is to obtain, upon request of a library patron, material not available in the patron's local library. Circulation of materials

between a central library and its branches or within a school district is not considered interlibrary loan.

"Library" means an entity that serves the basic information and library needs of its patrons through a bibliographically organized collection of library materials, is open at least 15 hours per week, and is staffed by one or more employees serving as librarians working a minimum of 15 hours per week. The collection must have ongoing financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

"Local Library System Automation Program" means a shared bibliographic control and online catalog system for library system members developed by or receiving support from a library system.

"Multitype Library System" means a library system that meets the requirements of Section (2)(l) of the Act, serving a minimum of 150,000 inhabitants or an area of not less than 4,000 square miles and serving a minimum of 10 or more public libraries, elementary and secondary school libraries, institutions of higher education libraries and special libraries.

"Nonresident" means an individual residing in Illinois who does not have his or her principal residence within a tax-supported public library service area.

"Patron" means an individual who is entitled to borrow materials from a specific library by virtue of his or her relationship to the library or its parent institution.

"Plan of Service" means how the library system will achieve the objectives and standards of the Act and this Part and includes the items listed in Sections 3030.265 and 3030.345 (Annual Application).

"Public Library" means a tax-supported public library established by or as a governmental unit that is authorized to levy a tax for library purposes or supports the library at least in part from local tax revenues. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75

ILCS 16]. This definition excludes free public libraries established by villages, but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Public Library System" means a public library that serves a city of over 500,000 population and is established as a public library system under the Act.

"Reciprocal Access" means how the resources of all full member libraries of a library system are made available to all library patrons in the system area. Reciprocal access benefits should be imposed equally among all reciprocal access patrons and can include interlibrary loans, photocopy service, reference service, use of library materials on site, and other services. The library governing authority may approve reasonable restrictions, applied equally among all reciprocal access patrons, for services such as computer access, library programs and meeting room use in accordance with the library system's resource sharing plan.

"Reciprocal Borrowing" means the right of a person who holds a valid, in-good-standing library registration card from a full member public library to borrow materials on site from other library system full member public libraries under the same conditions that the library provides those materials to its patrons, subject to reasonable restrictions approved by the library's governing board in accordance with requirements of the library system's resource sharing plan and this Part. The term "reciprocal borrowing" emcompasses "Statewide Reciprocal Borrowing" and "System-wide Reciprocal Borrowing", which are also defined in this Section.

"Resource Discovery Tools" means library research software that allows a library user to search multiple web-based electronic resources simultaneously and bring back usable search results.

"Resource Sharing" means making the collections of one library available to the patrons of another library efficiently and effectively. Resource sharing encompasses the technical capabilities, staff expertise and policies necessary to achieve that objective. Resource sharing incorporates activities related to automated discovery tools (including shared online catalogs), collection management, bibliographic description, delivery, interlibrary loan, reciprocal access and reciprocal borrowing. Resource sharing is a core system service.

"School Library" means the library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

"Special Library" means a library with a unique collection or specialized services recognized by the Illinois State Library that does not meet the definition of academic, public or school library.

"State Librarian" means the Illinois Secretary of State.

"Statewide Reciprocal Borrowing" means the right of a person who holds a valid, in-good-standing library registration card from a full member public library to borrow materials onsite from other participating full member public libraries of any other Illinois library system under the same conditions that the library provides those materials to its patrons, subject to reasonable restrictions approved by the library's governing board in accordance with requirements of the reciprocal borrowing policy of the library system of which the public library is a member and this Part. Public library participation in statewide reciprocal borrowing is optional. See also "Reciprocal Borrowing" and "System-wide Reciprocal Borrowing" definitions in this Section.

"Suspended Library" means a library whose system membership is terminated by the library system board with concurrence by the State Librarian.

"System Administrative Headquarters" means the facility that is identified by the system as its administrative headquarters.

"System Area and Per Capita Grant" means the annual grant, if appropriated, that is awarded to library systems based on the population and square miles served according to Section 8 of the Act, after acceptance of the annual application by the Illinois State Library.

"Systemwide Reciprocal Borrowing" means the right of a person who holds a valid, in-good-standing library registration card from a full member public library to borrow materials on site from other library system full member public libraries of the same library system to which their library belongs under the same conditions that the library provides those materials to its patrons, subject to reasonable restrictions approved by the library's governing board in accordance with requirements of the library system's reciprocal borrowing policy and this

Part. See also "Reciprocal Borrowing" and "Statewide Reciprocal Borrowing" definitions in this Section.

SUBPART B: MULTITYPE LIBRARY SYSTEM

Section 3030.200 Membership in a Multitype Library System

a) Libraries may apply for full membership in a library system at any time. The library system may not charge an application fee to the applying library or an annual membership fee. As part of the application process, a site visit by a system staff member to the applicant library is required. Membership criteria specified in this Section must be met by applicants.

1) Upon recommendation of the library system board of directors, the State Librarian shall review the recommendation of the library system board in approving an application of a library for full membership in a library system when the library is located within the geographic boundaries of the library system and meets the following criteria for membership:

A) A library applying for membership in a library system shall be an entity that meets the definition of "library" in Section 3030.110 and the definition of academic, public, school or special library.

B) A public library that is applying for membership in any library system shall meet the definition of public "library" in Section 3030.110 and shall meet the financial requirements for State per capita grants to public libraries as stated in Section 8.1 of the Act.

C) A public school district that is applying for membership in any library system shall meet the requirements for school library grants specified in Section 8.4 of the Act. The governing authority of an elementary/secondary or consolidated school district or the governing authority of private elementary and/or secondary schools shall authorize the application for system membership.

D) The governing authority of an academic institution recognized by the Illinois Board of Higher Education shall authorize an application for its academic library.

E) The governing authority of a special library shall authorize the application for library system membership. The applicant library shall agree to participate in interlibrary loan.

F) In special circumstances, the library system board may, with concurrence from the State Librarian, accept libraries as full members with special noncirculating research collections.

2) Once membership status is approved, the following requirements apply to full members:

A) The library is entitled to the library system services for which it meets system requirements.

B) The library shall meet the primary information needs of the library's primary clientele. The library shall build and maintain collections of books, serials, media and electronic resources sufficient to meet the needs of its primary clientele.

C) The library must comply with the ILLINET Interlibrary Loan Code (see Exhibit A), making its collection available via interlibrary loan. The library shall share its collection with the patrons of other full member libraries as freely and easily as permitted by law, this Part and the system resource sharing plan, treating patrons of all other libraries the same. To facilitate resource sharing, the library shall publish its lending and borrowing policies in all appropriate directories. The library shall provide sufficient staff to fulfill interlibrary loan requests and prepare materials in compliance with system delivery policies and practices. An exception to compliance with the code may be granted by the State Librarian and library system to special research libraries with noncirculating collections.

D) The library shall participate in resource sharing training provided or facilitated by the library system staff or the Illinois State Library.

E) The library shall provide reciprocal access to its library resources, according to the library system's resource sharing plan.

F) A public library member shall provide reciprocal borrowing to registered patrons of other public libraries who are full members of the same Illinois library system. Public libraries shall circulate various materials to eligible reciprocal borrowers under the same conditions that they circulate those materials to their own patrons. Limitations in reciprocal borrowing, if any, must not exceed limitations approved in the system's resource sharing plan and must be imposed equally among all reciprocal borrowing patrons. If the library participates in the nonresident program, the library shall honor library cards issued to nonresidents by participating public libraries within the same system.

G) The library is eligible to vote for representatives on the library system Board of Directors, and a representative of the library may serve on the library system Board of Directors.

H) The library shall participate in the system decisionmaking process through involvement in meetings, responding to surveys, board membership and serving on committees.

I) The library shall complete, on an annual basis, the certification process required for library system membership.

J) A public library shall complete the public library annual report required in Section 7 of the State Library Act.

K) A public library member shall regularly assess possibilities for library service to adjacent unserved areas, if any.

L) The library shall evaluate its need for upgrades to automated resource discovery tools.

M) The library shall consider participation in a Local Library System Automation Program in order to readily expand access to resources for the library's patrons. A library participating in a shared integrated library system shall be responsible for all policy and assessed financial requirements associated with participation in the program.

N) The library shall, within seven years from the effective date of this Part, evaluate and report to the library system regarding the library's plans to provide and maintain access to its new acquisitions via a Local Library System Automation Program or a shared bibliographic database, if such access is not already available via a shared database.

O) The library shall complete the Illinois State Library's annual survey of interlibrary loan traffic by the specified deadline.

P) The library shall abide by established system policies for the resolution of problems and conflicts associated with resource sharing.

Q) The library shall comply with all applicable State statutes and administrative rules, and with the system's bylaws, policies and plan of service.

R) Violations of any of the requirements of subsection (a)(2) may be grounds for suspension of system membership.

b) Phasing Out of Developmental Library Membership Status

1) No applications for new developmental libraries shall be approved, as of the effective date of this Part.

2) Existing developmental libraries, as of the effective date of this Part, will have a maximum of five years to meet the full membership criteria.

3) All developmental libraries shall complete, on an annual basis, the certification process required by the State Librarian. Each year, as part of the annual certification, the library shall submit a developmental progress plan, for review by the library system and State Librarian, that sets forth the library's annual goals and explains how the library will meet the criteria for membership in the library system. The library system board and the State Librarian will review the progress plan and make a joint determination about whether progress has been made and if membership criteria specified for full member libraries has been reached.

4) Failure to make annual progress or failure to address full membership criteria by the end of the five consecutive years will be grounds for suspension of system membership as specified in Section 3030.205.

5) A developmental member library is eligible for library system communications and assistance from library system staff in addressing full membership criteria.

6) A developmental library is entitled to apply for specified grants (see 23 Ill. Adm. Code 3035).

7) Representatives from developmental libraries are not eligible for system board seats.

c) No other category of system membership is recognized.

Section 3030.205 Changes in Multitype Library System Membership Status

a) The State Librarian shall recognize the existing status of system membership as of the effective date of this Part.

b) Changes in membership status may be a result of voluntary withdrawal by a member library, library closure, failure of a developmental library to address full membership status, suspension of a member library for failure to meet certification requirements, or failure of a library to meet membership requirements of this Part or the requirements of the system policies, as approved by the State Librarian.

c) If a library no longer qualifies as a developmental library and has not gained full membership, the library can reapply for system membership as a full member library at any time.

d) If a library no longer meets certification requirements as a full member or fails to address system membership requirements, the library can reapply for system membership as a full member library at any time.

e) A system must submit notification of any change in a library's membership status and shall request approval in writing from the Illinois State Librarian for any

change in membership status. This notification shall be to the State Librarian and shall be submitted within seven business days after the system board's action regarding the member library's status. The letter from the State Librarian stipulating the change in membership status will specify the effective date. The library system shall also notify library system members and other library systems of the suspension for delivery, reciprocal borrowing, interlibrary loan, Local Library System Automation Program participation and other system services.

f) The membership of libraries that fail to meet annual certification requirements, as specified in this Part, will be terminated as of July 1 of the current calendar year if membership requirements are not met by that date. All system services shall cease, including participation in a Local Library System Automation Program.

g) Membership will terminate immediately for libraries that close or request to drop system membership. The library or its governing authority should send a letter to the library system director, with a copy to the Illinois State Library director, formally withdrawing from system membership.

h) Within 60 days from withdrawal of membership from a library system, all materials and equipment purchased with library system headquarters funds and on deposit at the withdrawing library shall be returned to the system administrative headquarters.

Section 3030.210 Establishment of Systems

If it shall appear to the satisfaction of the State Librarian that the establishment of a library system will result in improved library service, he or she shall approve the application as specified in Section 4 of the Act.

Section 3030.215 Standards for Core Services to Members

a) Administration

1) The library system shall develop an annual operational plan with input from members that addresses the specified standards for core services. The operational plan shall be submitted to the Illinois State Library as part of the application specified in Section 3030.265.

2) The library system shall designate staff to fulfill the roles specified in this Part. One staff member can fulfill various roles. Staffing designations include:

A) Membership, including recordkeeping, member directory, application review, certification support and consultation as specified in subsection (a)(3).

B) Bibliographic access as specified in subsection (c)(7).

C) Training in resource sharing processes and procedures for member libraries.

D) Consulting and continuing education assistance to member libraries in understanding and complying with applicable State statutes and administrative rules, and with the system's bylaws, policies and plan of service, and any additional consulting and/or continuing education services that may be approved by the State Librarian.

E) Oversight of system-wide delivery.

F) Coordinating system-wide resource sharing, including interlibrary loan, reciprocal access and reciprocal borrowing.

G) Communications to system members.

H) Publication of the names of participating and non-participating public libraries in the non-resident program, per the requirements of Public Library Non-Resident Services (23 Ill. Adm. Code 3050.30).

3) Membership

A) The system shall designate staff to actively maintain accurate system membership information, including up-to-date directory information of library system members on the Illinois State Library specified web site.

B) The system shall designate staff to administer and act upon system membership applications as detailed in Section 3030.200.

C) The system shall designate staff to provide member library support and promotional activities during the annual library certification process.

D) The system shall designate staff to work with libraries, other library systems and the Illinois State Library on membership-related issues and questions.

4) Provide the essential information technology infrastructure in-house to carry out the system standards.

5) Promote the use of State procurement contracts by system members and pursue other collaborative purchasing agreements for the benefit of members when State group purchasing opportunities do not address member needs.

b) General Resource Sharing Standards

1) Work cooperatively and collaboratively with member libraries, other systems and their member libraries, and the Illinois State Library to maintain and strengthen resource sharing and to coordinate resource sharing efforts, including addressing interlibrary loan responsibilities as specified in the ILLINET Interlibrary Loan Code (see Exhibit A).

2) Participate in meetings convened by the Illinois State Library to develop and share best practices and innovations in resource sharing.

3) Establish a mechanism for resolving disputes over resource sharing, including the mediation of reciprocal borrowing and interlibrary loan requests, fulfillment problems, and the damage or loss of materials.

4) Provide training to member libraries on resource sharing processes and procedures.

c) Bibliographic Access Standards

1) Encourage full member libraries to participate in a Local Library System Automation Program. Only full member libraries are eligible for Local Library System Automation Program participation; developmental libraries and non-system members cannot participate. Systems should work collaboratively to eliminate existing restrictions on participation by full members in shared automation programs. The Local Library System Automation Program resource sharing plan shall be in compliance with the system resource sharing plan.

2) Explore the potential of emerging integrated library system software and other resource discovery tools that facilitate resource sharing and participate in the creation of a regional and/or statewide Local Library System Automation Program.

3) Develop and strengthen the ability of member libraries' staffs to implement and use currently available and emerging resource discovery tools.

4) Work with member libraries in building and maintaining library collections that meet the primary needs of their patrons.

5) Work with member libraries in organizing library collections using accepted bibliographic methods for cataloging and classification of library materials.

6) Facilitate the development of expertise in the use of resource description, including cataloging and metadata, among member library staffs.

7) Assign a professional staff member to be responsible for the system's bibliographic access activities.

8) Identify how automated online access to unique holdings in member libraries can be provided, including a timetable for achieving access.

9) Work with system members in developing plans for how new acquisitions of all members will be exposed and maintained via a Local Library System Automation Program or a shared bibliographic database as specified in Section 3030.200(a)(2)(N).

d) Consulting and Continuing Education Standards

1) The system shall designate staff to provide consulting and continuing education assistance to member libraries in understanding and complying with applicable State statutes and administrative rules with the system's bylaws, policies and plan of service. The assistance provided may be in response to member-initiated inquiries or in organized group training sessions.

2) An opportunity for a library system to present a written plan with accompanying budget for additional consulting and/or continuing education services in the areas of library advocacy, management and practice shall be included by the State Library in the annual funding application for library systems detailed in Section 3030.265. The proposed additional services in the plan may be provided by system staff or through contractual agreement. The additional services shall be subject to approval by the State Librarian.

e) Delivery Standards

1) Provide for the equitable and consistent delivery of library materials to full member libraries to fulfill patron requests.

2) Provide delivery via methods including, but not limited to, library system delivery; Illinois Library Delivery Service; electronic, commercial delivery services; and U.S. Postal Service.

3) Designate a staff person to coordinate system-wide delivery.

4) Provide a vehicular delivery service to deliver materials to and from member libraries according to the following standards:

A) Provide its own delivery service or contract for delivery service.

B) Coordinate the delivery service with the Illinois Library Delivery Service.

C) Provide basic delivery at no cost to full member libraries with one delivery point per member or community drop-off point provided

by the library system. Expedited, higher frequencies than the established volume levels or some specially requested form of enhanced delivery may incur a charge to the requesting member library.

D) Provide each member library with direct delivery a minimum of two times per week when it needs and requests that delivery.

E) Determine delivery points and frequency based on criteria including, but not limited to, volume of use (counted both to and from sites), collection strengths and convenience of member libraries. The criteria will be posted and readily available.

F) Work collectively with other library systems and the Illinois State Library to implement equitable, statewide delivery frequencies and criteria.

G) Ensure that each member library has an option for delivery up to five days per week to a drop-off point.

5) Develop and distribute written system delivery policies and procedures to include as part of the operational plan in the annual application in Section 3030.265. The policies and procedures shall:

A) Identify delivery methods available and when to use each;

B) Describe delivery schedules and sub-schedules;

C) Identify fixed points for picking up and receiving materials;

D) Describe the mechanism for determining van delivery and locations and deliveries (for example: poundage, items);

E) Provide a mechanism for annual review;

F) Describe how the system delivery service interfaces with other library delivery systems through the Illinois Library Delivery Service;

G) Establish uniform policies and procedures to govern problems related to delivery service, including packaging standards and indemnification of suppliers for loss or damage in delivery;

H) Utilize statewide uniform statistical data-gathering methods;

I) Ensure that its delivery service shall complete the schedule on a consistent and regular basis.

6) Provide training for member libraries on delivery procedures.

f) Resource Sharing Standards: Reciprocal Access, Reciprocal Borrowing and Interlibrary Loan

1) Designate a resource sharing coordinator to monitor and guide the resource sharing program.

2) Promote reciprocal access and interlibrary loan to all full member libraries and establish policies that support reciprocal borrowing of materials by all full member public libraries.

3) Adopt a resource sharing plan that, as a minimum, shall include:

A) Reciprocal Access

i) a strategy for promotion of reciprocal access among full member libraries of the library system and for establishing policies that support reciprocal access.

ii) how member libraries in the system shall provide reciprocal access, including limitations, if any, that individual member libraries may establish for reciprocal access.

B) Statewide Reciprocal Borrowing

i) a strategy for establishing policies that encourage full member public libraries to participate in statewide reciprocal borrowing.

ii) no library may charge a fee to any statewide reciprocal borrower that is not charged to the library's patrons or system-wide reciprocal borrower unless the fee was in effect on July 1, 2014.

C) System-wide Reciprocal Borrowing

i) a strategy for establishing policies that support system-wide reciprocal borrowing of materials by patrons of all full member public libraries.

ii) the scope of reciprocal borrowing within the system among its full member public libraries, including but not limited to how public libraries shall participate; how other types of libraries can participate in the program; and the types of materials that are covered under reciprocal borrowing.

iii) the requirement that all reciprocal borrowing patrons will be treated the same and that reasonable limitations on quantities of reciprocal borrowing loans shall be allowed only if system-specified parameters are met, as established in the system resource sharing plan.

iv) the definition of a library card valid for purposes of reciprocal borrowing.

v) a mechanism for resolving disputes over reciprocal, borrowing including the damage or loss of materials.

vi) the requirement that the library of a patron who borrows materials from another library through reciprocal borrowing is responsible for lost and damaged materials if the patron does not pay. The resource sharing plan, however, may allow for alternate means of resolving the loss or damage if the lending library agrees.

D) Interlibrary Loan

i) the ILLINET Interlibrary Loan Code (23 Ill. Adm. Code 3030.Exhibit E) will be followed.

ii) a mechanism for resolving disputes over interlibrary loan issues, including fulfillment problems and the damage or loss of material in accordance with the Code.

E) The resource sharing statistics that the system and member libraries will gather.

4) Address the library system's responsibilities towards non-resident services as specified in 23 Ill. Adm. Code 3050.30.

g) Other Core Member Services

1) Additional core member services may be designated by the State Librarian.

2) Prior to providing the service, the library system must develop a written plan with accompanying budget for the service. The plan should address the system's role and member library responsibilities, and shall show evidence of being developed with input from the board and membership.

3) The plan is subject to approval by the State Librarian.

Section 3030.225 Geographic Boundaries and Demographics

a) The geographic boundaries of a multitype library system shall be those boundaries approved by the State Librarian. In setting geographic boundaries, the State Librarian shall place primary importance on the statewide implications for resource sharing, the efficient use of public funds, the impact on affected libraries of all types, and the impact on services provided by the affected library systems. After the primary considerations have been addressed, the State Librarian may also take into consideration such factors as transportation; marketing area; geography; the commonality of community interests, including, but not limited to, education, retail, commercial, cultural, civic, health facilities, financial institutions and recreation; and the boundaries of educational units in the area in making a final determination of the geographic boundary being considered.

b) The area served by a library system must be contiguous, except the public library serving Norridge and Harwood Heights is served by the library system serving the non-public libraries in Chicago.

c) Library system boundaries do not overlap except in the City of Chicago where a multitype library system serves the non-public libraries and the Chicago Public Library System serves the public library and its branches.

d) A public library service area will be wholly within the boundaries of a single library system with the exception noted in subsection (b). If the administrative headquarters of another type of library is located within the public library service area, the non-public library must belong to the same library system as the public library.

Section 3030.230 Adjustment of the Geographic Boundaries of Multitype Library Systems

a) The State Librarian may direct the Illinois State Library Advisory Committee to review the geographic boundary in a specific area or the existing geographic boundaries for all multitype library systems, whenever one or more of the following conditions are present:

1) There is new demographic information available from a federal census or other sources.

2) Library systems request that the State Librarian review a shared boundary in a specific area of the State.

3) A change in library or library system management practices, governance, funding or technology significantly impacts one of the factors considered in Sections 3030.225.

4) A public library's boundary crosses a system boundary following annexation or a new public library service area crosses system boundaries.

5) The boundary review is scheduled according to the timeframe mandated in Section 14.5 of the Act.

b) The Illinois State Library Advisory Committee will notify libraries and library systems that would be directly affected by a proposed adjustment of a geographic

boundary that the boundary is being reviewed and will provide them with the following information:

1) A general description of the boundary adjustment that is being considered.

2) The effect that the boundary adjustment would have on system membership in the area under review.

3) The criteria from subsection (a) that are used to evaluate the proposed boundary adjustment.

4) The date by which comments on the proposal must be received by the Illinois State Library and the address to which comments must be sent.

5) The date, time and location of the meeting at which the Illinois State Library Advisory Committee will discuss the proposed adjustment to geographic boundaries.

c) Each library and library system in the affected area will be encouraged to submit a statement indicating whether there is agreement with the proposed adjustment of the geographic boundary.

d) The Illinois State Library Advisory Committee will review the information that prompted the proposed adjustment, the comments received from potentially affected libraries and library systems, and any other information provided by the Illinois State Library, and will hold a meeting to discuss the proposed adjustments to geographic boundaries.

e) The Illinois State Library Advisory Committee will make a recommendation to the State Librarian on each suggested adjustment to the geographic boundaries of library systems.

f) The State Librarian shall issue a final decision regarding the proposed boundary adjustment after reviewing the recommendation of the Illinois State Library Advisory Committee and any information presented to the Illinois State Library Advisory Committee in accordance with the criteria set forth in Section 3030.225.

g) The State Librarian shall adjust the area and population of the affected library systems at the beginning of the State fiscal year that commences at least eight

months after, but no more than 20 months after, the final decision. The system membership changes will take place at that time or earlier, if the library system gaining the members agrees to provide service earlier.

Section 3030.235 Mergers

a) Merger of One Multitype Library System into Another Library System

1) In the event that the board of directors of a multitype library system determines to terminate the system in order to merge the service area of the system into another adjoining library system, each board shall poll the member libraries of the system. The library systems must make every effort to publicize the votes widely and in formats accessible to members. If at least two-thirds of the full member libraries that vote on the issue support the proposed merger in each system area, the board of directors of the affected library systems shall submit an application for merger to the State Librarian stating the intent of the member libraries. The application shall contain:

A) A complete list of all liabilities of the library system to be terminated.

B) A complete list of all assets of the library system, including detailed equipment descriptions.

C) Proposals for distribution of assets and liabilities. The sale of any equipment or real property shall be at the approval of the State Librarian. Every effort shall be made to ensure the equipment continues to be used to provide member services.

D) A plan for orderly transition of system services.

2) The State Librarian will then determine how the assets, liabilities and obligations of the system to be terminated will be allocated to the receiving system, largely based upon percentage of population and area of the terminated system being merged with the receiving system.

b) Merger of Two Multitype Library Systems

1) In the event that the boards of directors of two multitype library systems determine to terminate the systems in order to merge with one another to form a single new system, the boards shall poll the member libraries of the systems. The library systems must make every effort to publicize the votes widely and in formats accessible to members. If at least two-thirds of the full member libraries that vote on the issue in each library system support the proposed merger, the boards of directors of the library systems shall submit an application for merger to the State Librarian, together with a plan for the creation of the new system. The application shall contain the application items listed in subsection (a)(1), along with the proposed name of the new library system.

2) All distribution of assets and liabilities shall be with the approval of the State Librarian.

3) Upon approving the application, the State Librarian will direct the member libraries in the affected service areas to proceed to form a successor system in accordance with Section 3030.210.

Section 3030.240 Liquidation

a) Upon the decision to terminate and to cause liquidation of a system, the library system shall develop the plan of liquidation for approval of the State Librarian. The plan shall contain:

1) A complete list of all liabilities of the library system.

2) A complete list of all assets of the library system, including detailed equipment descriptions.

3) Proposals for distribution of all assets and liabilities.

4) A plan for the orderly transition of system services; and

5) A plan for the orderly disposition of library system records in accordance with the Local Records Act [50 ILCS 205].

b) The sale of any equipment or real property requires the prior approval of the State Librarian. Every effort shall be made to offer equipment items for the continuance of member services.

c) Once the State Librarian has determined that an existing or new library system meets the conditions of this Section, the member libraries within the service area of the liquidating system will be notified that they may apply for membership to a new library system serving that area.

d) The State Librarian shall solicit and consider information regarding proposed boundary adjustments from each of the affected libraries before making the final determination as to the geographic boundaries of the library systems in the area previously served by the liquidating system.

Section 3030.245 Revocation of Approval

a) When the State Librarian finds that a library system is not complying with the Act, this Part or its approved plan of service or has failed to submit an application or reports that meet the requirements of this Part, the State Librarian shall notify the system board in writing of the finding and set a date by which the library system must achieve compliance or submit for approval a plan that will effect compliance. Until the State Librarian's concerns are satisfactorily addressed, area and per capita grant monies may be withheld from the library system in whole or in part, depending on the compliance issue.

b) If the library system board has not adequately addressed the State's requirements by the specified date, the State Librarian may revoke the approval of the system, effective as of the end of the fiscal year in which the conditions are not met. The State Librarian may then proceed to liquidate the library system as specified in Section 3030.240.

c) If the State Librarian finds that library system appropriations by the General Assembly are diminished to the extent that system services cannot be adequately provided, the State Librarian shall revoke the approval of the library system and proceed to liquidate the library system as specified in Section 3030.240.

d) An administrative review of the State Librarian's decision to liquidate may be requested pursuant to Subpart D (Appeals Procedures). If an administrative review is requested and system services cannot be adequately provided by the

library system due to severely diminished appropriations by the General Assembly, the library system will operate under the direction of the Illinois State Library until a decision is reached during the appeals process. If the revocation is upheld, the liquidation process in Section 3030.240 will be followed.

Section 3030.250 Board of Directors Requirements

a) The system board of directors shall represent the system members as a whole and not individual libraries or type of library.

b) The system board shall annually review the composition and proportion of the library interests represented on the library board and propose adjustments, if necessary.

c) The system board shall meet a minimum of nine times per year. Meetings of the board and other subsidiary bodies shall be publicized to members and the Illinois State Library to provide an opportunity to attend. Written records shall be maintained of meetings. All system meetings will be held in compliance with the Open Meetings Act [5 ILCS 120]. The library system board is strongly encouraged to include an Illinois State Library staff person, if present, in closed sessions held under the Open Meetings Act.

d) The board shall adopt policies and bylaws in accordance with the Illinois Library System Act and this Part and shall codify and disseminate them. The system policies and bylaws shall be written and available via the library system web site. The board shall annually review the policies and bylaws. Policies and bylaws are subject to approval by the State Librarian, as stated in Section 3030.255.

e) The board shall annually review the statewide membership eligibility and act on certification issues in a timely manner.

f) The board shall act expediently on membership issues.

g) The system board shall employ an executive director, reporting to and accountable to the system board, who shall have a master's degree from an American Library Association-accredited library education program and who has a minimum of five years postgraduate employment that includes a minimum of two years of library administrative experience. The executive director shall have the authority to hire such other employees as may be necessary, to fix their

compensation, and to remove those employees, subject to the approval of the board. Salaries shall be based on a board-approved written compensation plan.

h) The board shall annually evaluate the executive director. A written evaluation and meeting to discuss the evaluation are required. The board shall require that staff of the system is evaluated annually in writing.

i) The board shall review facilities and equipment annually to ensure they are appropriate for the program and supporting services.

j) There will be no alternate directors on library system boards.

k) Board members must be eligible electors in the geographical area of the system.

l) The board shall review the results of the communications between system leadership and the Illinois State Librarian concerning the system's annual application and make any required revisions.

m) The board shall review, revise if deemed necessary, and approve the library system application for system funding, and accept the annual audit report, before the information is submitted to the Illinois State Librarian. The audit report shall be reviewed and discussed at a system board meeting with the system auditor.

n) The board shall ensure the library system remains in compliance with federal and State statutory requirements, as well as local ordinances.

o) The board shall ensure, to the best of its knowledge, that the following issues are addressed:

1) The library system shall require that all system members have opportunities for input into or comment on planning and evaluation activities, such as planning documents and program designs, including budgetary information, before those documents are finally adopted.

2) The library system shall maintain communications with other system agencies and the Illinois State Library, sharing information on matters relating to system operations.

3) The library system shall cooperate with other library and non-library agencies on matters of mutual interest and benefit, especially in areas in which contracts or programs of service are effective means of using limited financial resources.

4) The library system, in cooperation with the State Librarian, shall regularly determine the most cost-effective approaches to services and administration.

5) The system staff shall ensure publication of information that affects the membership, including posting meeting agendas, bylaws, minutes, board policies, budget information, annual application, annual report and procedures on the library system web site.

6) The system staff shall keep statistics measuring its services for assessment of system services, including how the standards for core services are met.

Section 3030.255 Board of Directors Policies

a) Policies and bylaws adopted by the library system boards for the governance of library systems shall be filed with the Illinois State Library. Policies should cover, at a minimum, the following areas of system operations:

1) Fiscal accountability;

2) Personnel;

3) Core services as specified in Section 3030.215;

4) Technology, including plans for updating technological equipment and software and security measures to safeguard electronic financial information, employee data and other records.

b) All library system policies and bylaws shall be in accordance with State law and subject to approval by the State Librarian.

c) No later than 60 days after these rules become effective, the library system shall adopt, post on its web site and submit to the Illinois State Library a copy of

policies that regulate activities of the library system in a manner no less restrictive than as follows:

1) Contracts and Purchasing

A) Purchases of $20,000 or More

i) All contracts for supplies, materials or work involving an expenditure of $20,000 or more, other than professional services, shall be awarded to the lowest responsible bidder, after advertisement at least once in a newspaper or newspapers of general circulation within the area of the library system, not less than 14 days before the bid date.

ii) All competitive bids for contracts involving an expenditure of $20,000 or more must be sealed by the bidder and must be opened by a board member or employee of the library system at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days notice of the time and place of the bid opening.

iii) The library system board of directors may reject any and all bids and re-advertise. The system shall not be required to accept a bid that does not meet the library system's established terms of delivery, quality and serviceability.

iv) When the emergency expenditure is approved by ¾ of the members of the library system board of directors, a contract can be let without advertising for bids. When possible, emergency purchases shall be made on the basis of three informal competitive quotations.

B) Purchases of More Than $5,000 but Less Than $20,000. Any purchase by a library system for services, materials, equipment or supplies, other than professional services, with a value greater than $5,000 but less than $20,000 shall be made, whenever feasible, on the basis of three or more informal competitive quotations.

C) Governmental Agencies. The requirement to advertise for bids does not apply to contracts for goods or services procured from another governmental agency.

D) Professional Services. Contracts that, by their nature, are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill when the ability or fitness of the individual plays an important part, contracts for utility services such as water, light or heat, contracts for the use, purchase, delivery, movement or installation of data processing equipment, software or services, telecommunications and interconnect equipment, software or services, contracts for duplicating machines and supplies, contracts for goods or services procured from another governmental agency, purchases of equipment previously owned by some entity other than the district itself, and contracts for the purchase of magazines, books, periodicals, pamphlets and reports are not subject to competitive bidding.

2) Conflict of Interest. No library system employee, nor the spouse or minor child of a system employee, may be in any manner financially interested directly in his or her own name or indirectly in the name of any other person, association, trust or corporation in any purchase or lease contract entered into by the system. This provision shall not apply if the purchase or lease contract is with a person, firm, partnership, association, corporation or cooperative association in which the interested employee, the employee's spouse, or the employee's minor child has less than a 7.5 percent share of the total distributable income. Any purchase or lease contract entered into by the system with an employee, his or her spouse, or minor child before the start of the employee's employment with the system in which the employee, his or her spouse, or minor child has a pecuniary interest is voidable if it cannot be completed within 365 days after the employee is employed.

3) Travel Expenditures. It is the policy of the system to reimburse full and part-time employees and members of the library system board of directors for reasonable authorized expenses incurred by them in the performance of their duties. The library system board of directors shall develop a policy for the control of travel sufficient to prevent obligation of funds exceeding

budget limitations and to hold travel to the minimum required for the efficient and economical conduct of the library system's business. The policy for the control of travel established by the library system board of directors shall include a description of the library system's travel approval process, allowable transportation expenses, non-reimbursable expenses, and rates of reimbursement for mileage, including automobile, air and train; per diem/meals; and lodging. Travel reimbursements shall follow federal travel regulations (FTR) promulgated by the U.S. General Services Administration (41 CFR 300-304).

4) Secondary Employment. The board shall approve and regularly review a policy on secondary employment for system employees. No library system employee may accept employment that may cause a conflict of interest or infringe on official work time with the library system.

Section 3030.260 Finances and Records

a) The fiscal year for the library system shall begin July 1 and end on June 30.

b) The board of directors of the library system shall:

1) Maintain all financial records at the library system administrative headquarters.

2) Review monthly financial reports.

3) Conduct an annual audit of the records of the library system for the preceding fiscal year by an independent certified public accountant and make copies of the audit available to the State Librarian on or before September 30 following the end of the fiscal year. Audits shall be conducted in accordance with "Government Auditing Standards, 2011 Revisions", if applicable, published by the Comptroller General of the United States, Government Accountability, 441 G Street NW, Washington DC 20548. The material incorporated by reference includes no later amendments or editions.

4) Account for all funds of the library system by expenditure, encumbrance or reserves as of June 30 of each year.

5) Adopt, prior to July 1 of each year, an annual budget for the ensuing fiscal year in a form prescribed by the Illinois State Library. The annual budget shall be submitted to the State Librarian as part of the annual application cited in Section 3030.265.

6) Maintain an inventory of all equipment purchased.

7) Organize all accounts for the library system on the basis of funds (governmental funds, proprietary funds and fiduciary funds). The adopted budget and revenue-expenditure reports of the library system shall be created on this same basis of account/fund structure.

8) Approve and submit financial reports to the State Librarian twice a year. A six-month cumulative revenue-expenditure report is due to the Illinois State Library on February 15 of each year for the period of July 1 through December 31. The annual audit of the library system shall be filed with the State Librarian on or before September 30 following the end of the fiscal year.

Section 3030.265 Annual Application

a) Each library system shall submit an annual application by the deadline specified by the State Librarian that presents a proposed plan covering the services provided by the system headquarters and the cooperative services of member libraries for the ensuing fiscal year. The proposed application shall include a signed certification by the library system board president and executive director of the library system that the application has been reviewed and approved by the Board of Directors. The State Librarian shall review the system application each year and shall approve the application if it ensures that the system will achieve the core service standards in this Part and is not in conflict with State law and rules of the State Librarian. The State Librarian may require revisions prior to approval. The State Librarian may also require a revision after approval of the application if a change in library system management practices, governance, funding or technology significantly impacts the ability to comply with the Act, this Part or the approved application. If the application or its implementation is not in compliance, the State Librarian shall take action in accordance with Section 3030.245.

b) The application will consist of:

1) An operational plan for the fiscal year that addresses the standards for core services to members cited in Section 3030.215 and additional core services, if any, that are specified by the Illinois State Library. The plan shall include a list of all available services for which a fee is proposed, and shall include an explanation and justification for the fee. No new fees or fee charges shall be implemented until approved by the State Librarian.

2) A list of unmet core standards and how the library system plans to address the unmet standards shall be included in the application.

3) An annual budget, with accompanying detailed narrative, for the ensuing fiscal year. The budget information shall be provided in a format specified by the Illinois State Library.

4) A copy of the most recently filed Statement of Economic Interest required by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420] for each member of the system board of directors, for the system executive director and for all other system employees required to file a Statement under Section 4A-101(i) of the Illinois Governmental Ethics Act.

5) A copy of the ordinance or resolution required by Section 70-5 of the State Officials and Employees Ethics Act [5 ILCS 430] and adopted by the system board of directors. After a copy of the ordinance or resolution has been submitted to the Illinois State Library, only changes to that ordinance or resolution adopted by the board of directors need be submitted in subsequent years. In addition, the system shall post the adopted ordinance or resolution on its web site, along with any subsequent adopted changes.

6) A description of all pending litigation that could have an impact on the system. The description shall include the case name, docket number, legal representation, a brief explanation, potential impact, and a cost breakdown and analysis.

7) A certification signed by the president of the system board of directors and the system executive director that during the preceding 12 months the system board of directors has reviewed and is in compliance with applicable provisions of the Open Meetings Act [5 ILCS 120], the Freedom of Information Act [5 ILCS 140], the Illinois Public Labor

Relations Act [5 ILCS 315], the Illinois Governmental Ethics Act [5 ILCS 420], the Local Records Act [50 ILCS 205], the State Officials and Employees Ethics Act [5 ILCS 430], the Public Funds Deposit Act [30 ILCS 225], the Public Funds Investment Act [30 ILCS 235], the Illinois Municipal Retirement Fund [40 ILCS 5], the Public Officer Prohibited Activities Act [50 ILCS 105], the Illinois Library System Act [75 ILCS 10], the Americans With Disabilities Act (42 USC 12101), and the Illinois Human Rights Act [775 ILCS 5].

8) A listing and description of all corporations formed exclusively by the library system, or in cooperation with any other entity. The description shall include the name of any such corporation, the purpose or purposes for which it was formed, and the names of any members of the system board of directors or system staff holding office or receiving compensation and/or reimbursement during the previous 12 months from each such corporation and the amount of that compensation or reimbursement. For each corporation, the system shall file the Articles of Incorporation, any amendments to those Articles and copies of the most recent annual reports for each such corporation with the Illinois Secretary of State/Business Services Department and the Illinois Attorney General/Charitable Trust Bureau. For each such corporation, the system shall disclose the amount of system and Area Per Capita Grant funding expended, either directly or indirectly, during the preceding 12 months in support of the activities of the corporation. For each such corporation, the members of the system board of directors and the system executive director shall sign a certification that no system Area and Per Capita Grant funds have been expended during the previous 12 months on any affiliated corporate activities that were not directly related to, and in support of, the core system library services enumerated in this Part.

9) A copy of the current bylaws of the library system.

10) A list of all real estate owned or leased by the library system along with detailed information about the potential real estate changes, including properties for sale or under contract, and the length and cost of any leases.

11) Other information that may be requested by the State Librarian such as a long-range plan that shows evidence of being developed with input from the board and membership.

Section 3030.270 Annual System Report

Each library system shall file an annual report with the State Librarian on or before September 30 of each year for the preceding fiscal year, July 1-June 30. The report shall be on forms prescribed by the State Librarian and shall include:

a) A narrative report containing an evaluative description of the system's activities and accomplishments for the year in light of the library system standards for core services specified in Section 3030.215.

b) A report containing data on system membership, the volume of interlibrary loan and reciprocal borrowing transactions, staff positions authorized and filled, salary schedules and fringe benefits, and other information requested by the State Librarian. The report shall be accompanied by, but not limited to, additional documents, including a schedule of system board meetings for the current fiscal year, the latest approved bylaws, and a photocopy of the treasurer's surety bond.

c) A list of changes in system membership, including, but not limited to, a list of all library mergers, changes of library names, and territorial changes of public library members with complete legal descriptions.

d) The names of participating and non-participating public libraries in the non-resident program, as specified in 23 Ill. Adm. Code 3050.30.

e) An assessment on meeting the board of directors requirements in Section 3030.250.

f) An assessment of meeting the finances and records responsibilities in Section 3030.260.

g) An annual audit as prescribed in Section 3030.260.

h) Other information that may be requested by the State Librarian.

SUBPART C: PUBLIC LIBRARY SYSTEM

Section 3030.300 Membership in a Public Library System

The public library member of a public library system must meet the membership requirements in the Act and Section 3030.200(e)(2) of this Part.

Section 3030.310 Establishment of Systems

If the State Librarian determines that the establishment of a public library system will result in improved library service, the State Librarian shall approve the application as specified in Section 4(a) of the Act.

Section 3030.315 Standards for Core Services

a) Administration

1) The library system shall develop an annual operational plan that addresses the specified standards for core services. The operational plan shall be submitted to the Illinois State Library as part of the annual application specified in Section 3030.345.

2) The library system shall designate staff to fulfill the roles specified in this Part. One staff member may fulfill various roles. Staffing designations include:

A) Membership, including recordkeeping, member directory, application review, certification support and consultation.

B) Bibliographic access as specified in Section 3030.15(c).

C) Training in resource sharing processes and procedures for library staff.

D) Oversight of system-wide delivery.

b) General Resource Sharing Standards

1) Work cooperatively and collaboratively with other systems, their member libraries and the Illinois State Library to maintain and strengthen resource sharing and to coordinate resource sharing efforts. This includes the development of statewide best practices, support for innovation, and

providing overall leadership in meeting the information needs of the citizens of Illinois.

2) Participate in meetings convened by the Illinois State Library to develop and share best practices and innovations in resource sharing.

3) Establish a mechanism for resolving disputes over resource sharing, including the mediation of reciprocal borrowing and interlibrary loan requests, fulfillment problems, and the damage or loss of materials as provided in Exhibit A (ILLINET Interlibrary Loan Code).

4) Provide training to library staff on resource sharing processes and procedures.

5) Designate staff to actively maintain accurate up-to-date directory information on the Illinois State Library-specified web site.

c) Bibliographic Access Standards

1) Explore the potential of emerging integrated library system software and other resource discovery tools that facilitate resource sharing and consider participation in a statewide Local Library System Automation Program.

2) Develop and strengthen the ability of library staff to implement and use currently available and emerging resource discovery tools.

3) Work with branch libraries in building and maintaining library collections that meet the primary needs of their patrons.

4) Work with branch libraries in organizing library collections using accepted bibliographic methods for cataloging and classification of library materials.

5) Facilitate the development of expertise in the use of resource description, including cataloging and metadata, among library staff.

6) Assign professional staff members to be responsible for the system's bibliographic access activities.

d) Delivery Standards

1) Provide for the equitable and consistent delivery of library materials to fulfill patron requests.

2) Provide delivery via methods including, but not limited to, library system delivery, Illinois Library Delivery Service, electronic, commercial delivery services, and U.S. Postal Service.

3) Designate staff persons to coordinate system-wide delivery.

4) Provide a delivery service to and from branch.

5) Coordinate the delivery service with the Illinois Library Delivery Service.

6) Work collectively with other library systems and the Illinois State Library to implement equitable, statewide delivery frequencies and criteria, along with data gathering.

7) Provide training for library staff on delivery procedures.

e) Resource Sharing Standards: Reciprocal Access, Reciprocal Borrowing and Interlibrary Loan

1) Designate resource sharing coordinators to monitor and guide the resource sharing program.

2) Adhere to the ILLINET Interlibrary Loan Code (Exhibit A).

3) Adopt a resource sharing plan that, as a minimum, shall include:

A) How the public library shall provide reciprocal access, including any limitations.

B) How the library system may participate in statewide reciprocal borrowing.

C) A mechanism for resolving disputes over resource sharing, including the mediation of reciprocal borrowing and interlibrary

loan issues, fulfillment problems, and the damage or loss of materials as provided in the ILLINET Interlibrary Loan Code (Exhibit A).

D) The requirement that the borrowing library is responsible for lost and damaged materials if the patron does not pay. The reciprocal access plan, however, may allow for alternate means if the lending library agrees.

f) Additional core member services may be designated by the State Librarian.

Section 3030.325 Revocation of Approval

a) When the State Librarian finds that a library system is not complying with the Act, this Part or its approved plan of service or has failed to submit an application or reports that meet the requirements of this Part, the State Librarian shall notify the library system board of directors in writing of the finding and set a date by which the library system must achieve compliance or submit for approval a plan that will effect compliance. Until the State Librarian's concerns are satisfactorily addressed, Area and Per Capita Grant monies may be withheld from the library system in whole or in part, depending on the compliance issue.

b) If the library system board of directors has not adequately addressed the State's requirements by the specified date, the State Librarian may revoke the approval of the system, effective as of the end of the fiscal year in which the conditions are not met.

Section 3030.330 Board of Directors Requirements

a) The library system board of directors shall be the same as the public library board established under the Illinois Local Library Act [75 ILCS 5]. The board shall follow the requirements of municipal law relating to the public library board of trustees and the power of boards specified in the Illinois Library System Act.

b) The board of directors shall review, revise if deemed necessary, and approve the library system application for system funding and the system annual report and accept the annual audit report before the information is submitted to the State Librarian. The audit report shall be reviewed and discussed at a system board meeting with the system auditor.

c) The board of directors shall ensure the library systems remains in compliance with federal and State statutory requirements, as well as local ordinances.

d) The board of directors shall keep statistics measuring system services, including how the standards for core services are met.

Section 3030.335 Board of Directors Policies

a) Policies and bylaws adopted by the system board for the governance of the library system shall be filed with the Illinois State Library.

b) All library system policies and bylaws shall be in accordance with State law.

Section 3030.340 Finances and Records

The library system board of directors shall:

a) Maintain all financial records at the system administrative headquarters.

b) Conduct an annual audit of the library system grant funds as part of the public library's annual audit by an independent certified public accountant and make available copies of the audit to the State Librarian on or before September 30 following the end of the fiscal year.

Section 3030.345 Annual Application

a) The library system shall submit an annual application by the deadline specified by the State Librarian that presents a proposed plan covering the services provided by the system headquarters for the ensuing fiscal year. The proposed application shall include a signed certification by the library system board president and executive director that the application has been reviewed and approved by the board of directors. The State Librarian shall review the system application each year and shall approve the application if it ensures that the system will achieve the core service standards in this Part and is not in conflict with Illinois State law and the administrative rules of the State Librarian. The State Librarian may require revisions prior to approval. The State Librarian may also require a revision after approval of the application if a change in library system management practices, governance, funding or technology significantly impacts the ability to comply

with the Act, this Part or the approved application. If the application or its implementation is not in compliance, the State Librarian shall take action in accordance with Section 3030.325.

b) The application will consist of:

1) An operational plan for the fiscal year that addresses the standards for core services cited in Section 3030.315 and additional core services as designated in Section 3030.215(f)(1). A list of unmet core standards and how the library system plans to address the unmet standards shall be included in the application.

2) An annual budget, with accompanying detailed narrative, for the ensuing fiscal year. The budget information shall be provided in a format specified by the Illinois State Library.

3) A copy of the current bylaws of the library system.

4) Other information that may be requested by the State Librarian.

Section 3030.350 Annual System Report

The library system shall file an annual report with the State Librarian on or before September 30. The report shall be on forms prescribed by the State Librarian and shall include:

a) A narrative report containing an evaluative description of the system's activities and accomplishments for the year in light of the library system standards for core services specified in Section 3030.315.

b) A report containing data on the volume of interlibrary loan and reciprocal borrowing transactions, staff positions authorized and filled, salary schedules, and fringe benefits, and other information requested by the State Librarian. The report shall be accompanied by, but not limited to, additional documents, including a schedule of system board meetings for the current fiscal year, the latest approved bylaws, and a photocopy of the treasurer's surety bond.

c) A statement of whether the public library participates in the non-resident program, as specified in 23 Ill. Adm. Code 3050.30.

d) An assessment on meeting the board of directors requirements in Section 3030.330.

e) An assessment of meeting the finances and records responsibilities in Section 3030.340.

f) An annual audit as prescribed in Section 3030.340.

g) Other information that may be requested by the State Librarian, such as a long range plan.

SUBPART D: APPEAL PROCEDURES

Section 3030.400 Hearing

a) The State Librarian shall provide for a hearing under the procedures in this Subpart to reconsider decisions made in the administration of the Act regarding:

1) The denial of approval of a library system;

2) The revocation of approval of a library system;

3) The adjustment of the geographic boundaries of a library system;

4) The State Librarian finds that an existing library system has failed to meet the criteria established by the Act or this Part;

5) The denial by the State Librarian of a library's application for membership in a library system;

6) The suspension of a library from membership in a library system;.

7) Interlibrary loan disputes as described in the ILLINET Interlibrary Loan Code (Exhibit A).

b) The State Librarian shall provide for a hearing under the procedures in 23 Ill. Adm. Code 3035.150 to consider decisions made in the administration of the Act regarding the denial of any State grant.

Section 3030.410 Administrative Review of State Librarian's Decision in Contested Cases

a) A party seeking reconsideration of the State Librarian's decision in contested cases shall request in writing a hearing within 30 days after the date of the decision.

b) Grounds for appeal shall include that the rules covering the situations specified in Section 3030.400 were not applied or were applied incorrectly by the Illinois State Library and/or the Illinois State Library Advisory Committee.

c) Grounds for appeal do not include missing an application or hearing deadline or seeking to submit additional or clarifying information related to an application or boundary adjustment.

d) Upon receipt of a request for review, the State Librarian shall appoint an administrative law judge (ALJ) to officiate at the review hearing. The ALJ shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law.

e) No person who has a bias or conflict of interest regarding the contested matter shall be appointed ALJ.

Section 3030.420 Notice of Hearing

a) Within 15 days after the ALJ's appointment, the ALJ shall serve notice by either certified or registered mail to the parties.

b) The notice shall include:

1) A statement of the time, place, and nature of the hearing. The hearing shall be held within 30 days after the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield;

2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

3) A reference to the particular Sections of the substantive and procedural statutes and rules involved;

4) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;

5) The name and mailing address of the ALJ and all interested parties who have been given personal notice.

Section 3030.430 Conduct of Hearing

a) Hearings shall be open to the public.

b) All parties may be represented by legal counsel.

c) All parties shall be afforded opportunity to present evidence and argument and to respond to evidence and argument presented by other parties.

d) Each party shall have the right to present and examine witnesses appearing on their own behalf, to introduce exhibits, and to cross-examine opposing witnesses presented on any matter relevant to the issues. Subpoenas may be issued to compel the appearance of any witness or party.

e) Parties may agree by stipulation upon any fact involved in the hearing.

f) Any party shall have the right, upon written motion made at least 10 business days prior to the hearing, to inspect any relevant document in the possession of, or under the control of, any other party, subject to any statutory or constitutional privileges. Inspection of documents shall be at times and places reasonable for the custodian of the documents. Discovery depositions may be authorized at the discretion of the ALJ.

g) Disposition of the contested case may be made by stipulation, agreed settlement, consent order or default.

h) A request for continuance of a hearing is directed to the sound discretion of the ALJ. A continuance may be granted, for good cause shown, provided the request is received by the ALJ and other parties not less than 5 days prior to the hearing date or unless good cause is shown during the hearing. The request shall be in

writing and shall set forth the grounds alleged. Oral request for continuances shall not be granted unless made during the hearing for good cause. "Good cause" is shown when a party demonstrates a real and compelling need for additional time.

i) No formal hearing shall be continued "generally". A continuance, when granted, shall state a date certain, not more than 60 days from the prior hearing date, when the hearing shall reconvene.

j) The ALJ shall conduct a fair and impartial hearing, take all necessary action to avoid undue delay, maintain order, and ensure development of a clear and complete record.

Section 3030.440 Motions

a) Unless made during a hearing, motions shall be made in writing and shall set forth the relief or order sought.

b) Amendments to all pleadings, motions and petitions to intervene shall be allowed upon proper motion at any time during the proceeding.

Section 3030.450 Order of the Hearing

a) The following shall be the order of the hearing subject to modification by the ALJ if the ALJ determines that the modification would avoid undue delay and would not prejudice the rights of any party:

1) Introduction and opening statement by ALJ;

2) Complainant's opening argument;

3) Respondent's opening argument;

4) Complainant's case in chief;

5) Respondent's case in chief;

6) Complainant's case in rebuttal;

7) Respondent's closing argument;

8) Complainant's closing argument.

b) At the ALJ's discretion, parties may be asked to file a written brief instead of, or in addition to, a closing argument.

c) All testimony taken shall be under oath or affirmation. All motions and objections shall be stated in writing or orally on the record, including the grounds for the objections.

d) After the hearing, the ALJ shall review the record and provide a recommendation within 15 business days to the State Librarian.

Section 3030.455 Authority of Administrative Law Judge

The ALJ shall conduct a fair and impartial hearing, take all necessary action to avoid undue delay, maintain order, and ensure development of a clear and complete record.

Section 3030.460 Record of the Hearing

The record of the hearing shall include the following:

a) All pleadings (including all notices and responses to notices), motions and rulings;

b) All evidence received;

c) A statement of matters officially noticed;

d) Any offer of proof, objection, and ruling thereon;

e) Any proposed finding and exception;

f) Any decision, opinion or recommendation reported by the ALJ;

g) All memoranda or data submitted to the ALJ or to the State Librarian in connection with the matter;

h) Any ex parte communication received by the State Librarian, his or her employees or ALJ. No such communication shall form the basis for any finding of fact;

i) The Order of the State Librarian, which shall constitute a final administrative decision within the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

Section 3030.470 Oral Proceedings

Oral proceedings or any part of the oral proceedings shall be recorded stenographically or by other means that will adequately ensure the preservation of the proceeding. The recording shall be transcribed at the request of any party at that party's expense.

Section 3030.480 Findings of Fact

Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 3030.490 Rules of Evidence; Official Notice

a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

b) The library or library system bears the burden of showing by clear and convincing evidence that the matter should have been handled in the opposite manner.

c) All items submitted into evidence shall be typewritten or printed and shall not exceed a width of 8½ inches and a length of 11 inches. All items submitted into evidence shall be clearly marked with the name, address and telephone number of the party submitting the item.

d) Official notice will be taken as authorized by Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].

Section 3030.495 Decisions and Orders

a) All final decisions or orders shall be in writing and shall include findings of fact and conclusions of law separately stated. All parties or their agents appointed to receive service of process shall be notified of the State Librarian's final decision by registered or certified mail within 30 days after the ALJ's report. Findings of fact shall be accompanied by a concise and explicit statement of the underlying fact supporting the findings. Parties or their agents appointed to receive service of process shall be notified either by registered or certified mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed to each party.

b) All orders shall specify that they are final and subject to the Administrative Review Law.

Section 3030.EXHIBIT A ILLINET Interlibrary Loan Code

Preface

As partners in the Illinois Library and Information Network (ILLINET), more than 5,000 multi-type (academic, public, school and special) member libraries contribute to the ongoing enrichment of the State's library resources. Beginning in 1975, ILLINET has relied on resource sharing to meet the information and research needs of library patrons. In addition, library resource sharing provides a means to access entertainment, nurture personal interests and hobbies, and, overall enhance the lives of Illinois residents.

The cooperative actions of ILLINET member libraries have contributed to the success of a statewide resource sharing service. The laws and rules that authorize the Illinois State Library (ISL) and the library systems ensure that free access to all Illinois residents remains the cornerstone of the statewide system. Today, Illinois libraries, including the library systems and the ISL, support interlibrary loan and both statewide and systemwide reciprocal borrowing, to the betterment of the quality of life for Illinoisans everywhere. Empowered by a robust technology infrastructure, the sustainability of Illinois' strong heritage of excellent library service depends upon an ongoing commitment to resource sharing, delivery and statewide cooperation. The ILLINET Interlibrary Loan Code (ILL Code) is the declaration of that commitment, without which, the actions of the thousands of Illinois library staff that support its use, the broader concept of resource sharing and, more specifically, services like delivery, would not be feasible.

The following sections underscore the utility and importance of the ILL Code, and describe the relationship between the ILL Code, the Illinois State Library Act, and the Illinois Administrative Code (IAC or "the rules").

Background

The IAC helps State government implement the statutes adopted by the Illinois General Assembly (GA). The ISL, established by statute, has rules found in 23 Ill. Adm. Code 3030. Any activity undertaken by the ISL shall be rooted in law or rule. As a body of State government, the authority to provide services and programs is determined by the GA through the promulgation of statute, administered by the State Librarian through administrative rules. Unlike private sector business, the ISL cannot conduct any activity unless authorized by the GA. Clearly, resource sharing figures prominently into the enabling legislation of the State Library Act:

Purposes of the State Library. The Illinois State Library shall:

> *Promote and develop a cooperative library network operating regionally or statewide for providing effective coordination of the library resources of public, academic, school, and special libraries.*

How does the ILL Code figure into the IAC?

The ILL Code is incorporated as an Exhibit in Secretary of State (SOS) rules (23 Ill. Adm. Code 3030.Exhibit A); it is, therefore, the responsibility of the SOS and the ISL to administer the ILL Code. Changing the IAC is a process prescribed by statute (see 5 ILCS 100) and overseen by the Joint Committee on Administrative Rules.

Library Systems

Because system membership is required in order to be eligible for grants and services, the body of law surrounding State grant programs rests in the Illinois Library System Act. Libraries not meeting the minimum membership criteria established in 23 Ill. Adm. Code 3030 cannot receive library system or ISL services and/or funds such as delivery, grants or library system membership. Beginning in January 2013, the ISL began an online certification process to ensure library system members in Illinois meet the minimum criteria prescribed in 23 Ill. Adm. Code 3030.

Funding for the library systems is predicated on all libraries acting toward a single goal of providing resources to Illinois residents. Grant programs from the SOS have the goal of promoting statewide library cooperation. The prominence of resource sharing as the purpose and reason for the library systems is established in the very first paragraph of the System Act:

> *Because the State has a financial responsibility in promoting public education, and because the public library is a vital agency serving all levels of the educational process, it is hereby declared to be the policy of the State to encourage the improvement of free public libraries and to* ***encourage cooperation among all types of libraries in promoting the sharing of library resources****. In keeping with this policy, provision is hereby made for a program of State grants designed to establish, develop and operate a network of library systems covering the entire State.*

Note: The first Interlibrary Loan Code for Illinois was written in 1971. It was revised in 1988, 1993, 2000, 2008 and 2014.

ILLINET Interlibrary Loan Code

The ILL Code, approved by the ISL Advisory Committee, endorsed by the Illinois Library Systems, and adopted by the ISL governs interlibrary loan policy within ILLINET. The ILL Code is based on the most current American Library Association (ALA) Interlibrary Loan Code for the United States.

Through 15 ILCS 320/7(f) and 23 Ill. Adm. Code 3030.215(e), the ISL administers, Illinois library systems monitor and enforce, and ILLINET member libraries abide by the ILL Code.

I. Definition

Interlibrary loan is the process by which a library requests material from, or supplies material to, another library. Whether initiated by library staff or patron, the purpose of interlibrary loan is to obtain, upon request of a library patron, material not available in the patron's local library. The terms "requesting library" and "supplying library" are used in preference to "borrowing library" and "lending library" to cover the exchange of copies as well as loans. Circulation of materials between a central library and its branches or within a school district is not considered interlibrary loan.

II. Scope

1. The ILL Code governs interlibrary loan among ILLINET member libraries.

2. Any type of library material needed by an individual for any purpose, including but not limited to study, instruction, information, recreation or research, may be requested from another library.

3. Any materials, regardless of format, may be requested from another library. The supplying library determines whether the material can be provided.

4. Interlibrary loan outside of ILLINET, governed by national, international or other applicable interlibrary loan codes, is not within the scope of this document.

5. Reciprocal borrowing is not within the scope of this document.

III. Ethics and Responsibilities of ILLINET Member Libraries

1. Interlibrary loan is a mutual relationship, and libraries are strongly encouraged to supply materials as freely as they request materials.

2. Each library shall develop collections in response to local needs. Interlibrary loan is an adjunct to, not a substitute for, collection development in individual libraries.

3. To expedite State and nationwide resource-sharing initiatives, every ILLINET member library shall strive to enter and maintain its collection and holdings in a regional, statewide and/or national electronic database.

4. Each library shall offer and promote the availability of interlibrary loan service to its patrons.

5. Personnel responsible for interlibrary loan in each library shall be familiar with relevant interlibrary loan documents and aids, including interlibrary loan codes and procedures, bibliographic tools, and services.

6. Libraries shall comply with current Copyright Law (17 USC) governing both print and digital resources.

7. Each library shall ensure the confidentiality of the patron (see the Library Records Confidentiality Act [75 ILCS 70]).

8. Each library shall annually review and update its profile in the Resource Sharing Directory in Library Learning (L2) and, if applicable, the Online Computer Library Center (OCLC) Interlibrary Loan Policies Directory.

9. Each library shall have its borrowing policy readily available.

10. Each library shall clearly identify its materials with a current ownership mark.

11. Each library shall collect and annually submit its interlibrary loan statistics to the ISL.

IV. Rights and Responsibilities of the Requesting Library

1. The requesting library shall be responsible for compliance with the Copyright Law and its accompanying guidelines, and shall inform its patrons of the applicable portions of the law. An indication of copyright compliance shall be provided with all requests for photocopies.

2. The requesting library shall be responsible for identifying libraries that own the requested material. The requesting library shall be responsible for checking the policies of potential suppliers for restrictions, special instructions and information on fees prior to sending a request.

3. The requesting library shall avoid repeatedly sending the majority of its requests to a few selected libraries. However, each library has the right to determine the best source for the requested material.

4. Requested items shall be cited completely and accurately. The requesting library shall transmit all interlibrary loan requests in standard bibliographic format in accordance with the protocols of the electronic network or transmission system used. In the absence of an electronically generated form, the elements of the ALA Interlibrary Loan Request Form shall be used.

5. The requesting library shall indicate on the request when items cannot be verified and/or located, using "cannot verify" or "cannot locate". The source of reference shall also be indicated on the request.

6. The requesting library shall honor the supplying library's conditions of loan, including observation of dates and duration of loans, recall notices, fees (if applicable), In-library Use Only and other special handling provisions. The requesting library shall convey these conditions to library patrons.

7. The requesting library shall be responsible for borrowed materials from the time the materials leave the supplying library until they have been returned to the supplying library. If damage or loss occurs, the requesting library shall be responsible for compensation, in accordance with the policy of the supplying library.

8. The requesting library shall be responsible for all fees authorized by section VIII (Fees) imposed by the supplying library. The requesting library shall be responsible for timely processing of payments related to the interlibrary loan transaction.

9. The requesting library assumes full responsibility for patron initiated transactions.

V. Rights and Responsibilities of the Supplying Library

1. Libraries are strongly encouraged to implement generous interlibrary loan lending policies with due consideration for the needs of their primary clientele.

2. The supplying library shall respond to all interlibrary loan requests within one working day (preferred), but no longer than three working days, after receipt.

3. The supplying library may return a request unfilled when bibliographic data and location are incomplete.

4. The supplying library shall send a copy of the request or sufficient information to identify the request, along with any materials provided.

5. The supplying library shall notify the requesting library of dates and duration of loans for the materials, renewal policies, and In-library Use Only restrictions.

6. The supplying library has the right to recall its material at any time.

7. The supplying library shall send any invoices for charges incurred within one year after the due date of the item.

VI. Rights and Responsibilities of the Library System

The library system shall:

1. Maintain a current resource sharing policy that encourages cooperation among all types of libraries in promoting the sharing of library resources via a variety of service methodologies, including interlibrary loan, and is compliant with current Illinois library law and administrative rules.

2. Employ library system staff to consult with member libraries about offering, promoting and improving local interlibrary loan service.

3. Foster interlibrary loan partnerships and collaboration at the local, regional, systemwide and statewide levels.

4. Offer, on a recurring schedule, interlibrary loan continuing education and training opportunities that meet member libraries' needs.

5. Facilitate access to current interlibrary loan information and resources via the library system's website.

6. Ensure member libraries are compliant with the annual submission of the ISL's ILLINET Interlibrary Loan and Reciprocal Borrowing Survey, a tool that collects interlibrary loan statistics.

7. Provide efficient and effective delivery service methodologies that ensure timely receipt of materials to meet patrons' needs.

8. Monitor member libraries interlibrary loan service to ensure adherence to and compliance with the ILL Code.

9. Serve as the mediator, as prescribed by the ILL Code (Section XI), to resolve perceived violations of the ILL Code.

VII. Rush and Urgent Requests

1. "Rush" service requests are those in which the requesting library designates the request to be "Rush" and requires the item to be processed and sent within 24 hours/one working day.

2. "Urgent" service requests are those in which the requesting library designates the request to be "Urgent" and requires the item to be processed and received in fewer than 24 hours/one working day.

3. Requesting libraries that need "Rush" or "Urgent" service requests shall contact the supplying library directly to negotiate conditions and fees.

4. An ILLINET member library may, by policy or on a case-by-case basis, choose not to offer "Rush" or "Urgent" service.

5. An ILLINET member library shall make its "Rush" or "Urgent" policies available upon request.

VIII. Fees

1. It is not allowable for either the requesting library or the supplying library to charge (the library or the patron) for ILLINET resource sharing transactions of returnable items, except as outlined in this section.

2. Libraries may assess fees (library or patron) for the provision of Rush or Urgent requests, as outlined in Section VII.

3. ILLINET member libraries are encouraged to absorb the cost of providing photocopies.

4. If a library chooses not to use the Library System Delivery service or the Illinois Library Delivery Service, the library shall negotiate alternate shipping conditions with the requesting/supplying library prior to shipment of the item.

5. Libraries shall not assess overdue fines to other libraries.

6. If damage or loss occurs, the requesting library is responsible for compensation in accordance with the policy of the supplying library.

IX. Delivery

1. Primary shipping and transmission:

   a. Returnables: Every ILLINET member library shall use either the library system delivery service or the ILDS as their primary shipping service for "returnables" within Illinois.

   b. Non-returnables: Every ILLINET member library shall transmit non-returnable items electronically; however, they shall use alternative options when electronic transmission capabilities are impractical or unavailable.

2. Every ILLINET member library, using either the Library System Delivery service or the ILDS, shall comply with the USPS Private Express Statutes (39 CFR 310.3(a)) and the Letters Carried out of the Mail (39 USC 601(a)). Refers also to the Secretary of State's memorandum "Delivery of Library Materials", November 27, 2012, as the guidelines for determining delivery compliance.

3. Materials shall be packaged to prevent damage or loss in shipment. The supplying library shall notify the requesting library of any special packaging and shipping

requirements. The requesting library shall comply with the requirements as stipulated.

4. If the supplying or requesting library chooses not to ship materials via the library system delivery service or ILDS, the libraries shall negotiate alternate shipping methods and conditions prior to shipment of the item.

X. Cooperative Agreements

1. ILLINET member libraries shall comply with the ILL Code.

2. ILLINET member libraries may enter into mutually beneficial cooperative agreements in order to meet the needs of their primary clienteles. These agreements do not supersede the ILL Code, except as prescribed in subsection 3 of this section.

3. Interlibrary loan periods established by ILLINET member libraries through a cooperative agreement are permissible but only apply to those ILLINET member libraries covered under the agreement.

XI. Violation of the ILL Code

1. When violations of the ILL Code initially occur, these procedures shall be followed:

   a. Library A shall inform Library B about the violations and Library B's failure to comply with the ILL Code.

   b. Library B is responsible for responding to all notifications on a timely basis and working towards resolution.

   c. Both Library A and Library B shall document all exchanges.

2. Library A may suspend the interlibrary loan privileges of Library B if Library B fails to correct violations of the ILL Code after having been informed of the violations.

   a. Such action requires written notification by Library A to Library B, specifying the violations, the terms and duration of the suspension, and a

course of action in compliance with the ILL Code that would restore borrowing privileges. A copy of all documentation shall be sent to the library systems of both libraries.

b. Library A is responsible for reviewing ongoing circumstances and evaluating reinstatement of Library B's suspended interlibrary loan privileges. Reviews shall be completed on a quarterly basis.

c. Library A shall provide written notification of the review and the ensuing decision to Library B and the library systems of both libraries.

3. If violations of the ILL Code continue, the following procedures shall be followed:

a. Either Library A or Library B shall request that its library system serve as mediator. The request shall be in writing and sent to the libraries and to the library systems involved.

b. The library system acting as mediator shall document:

i. The continued ILL Code violations, with copies sent to all libraries and library systems involved.

ii. Its role as mediator of the complaint, with copies sent to all libraries and library systems involved.

iii. Its negotiation efforts and the results of these efforts, with copies sent to all libraries and library systems involved.

c. Ineffective negotiations and continued disregard of the provisions of the ILL Code shall result in the initiation of the suspension process from library system membership (23 Ill. Adm. Code 3030.205).

d. The ISL shall act on the recommendation of the library system recommending suspension of system membership.

e. Library systems may initiate resolutions of the ILL Code violations independent of notification from member libraries.

GLOSSARY

ALA Interlibrary Loan Request Form — A form published by ALA and the National Information Standards Organization and used by a library to request an interlibrary loan from another library.

Borrowing Library — See Requesting Library.

Borrowing Privileges — The ability of a patron with a valid library card to check out (borrow) items from a library.

CARLI — Consortium of Academic and Research Libraries in Illinois.

CCG (Copyright Clearinghouse Guidelines) — The requesting library's indication on a photocopy request that the request conforms to the CONTU "Guidelines for the Proviso of Subsection 108(g)(2)". Compliance means that the library does not subscribe to the journal and publication date of article is within the last five years. Only five copies per journal title in a year before payment of the copyright fee is required; only 1 article per issue per patron. See also CONTU Guidelines.

CCL (Copyright Clearinghouse Legislation) — The requesting library's indication on a photocopy request that the request conforms to the U.S. Copyright Law (17 USC). Compliance means that the library subscribes to the journal or publication date of the article is more than five years old. No limit on the number of copies requested. The library is still subject to subsection 108(g)(2) of the copyright law that prohibits systematic photocopying of copyrighted materials in such aggregate quantities as to substitute for purchase of or subscription to the magazine.

Collection Development — The process of planning, selecting, weeding and building of resources in all formats needed by a library's community of patrons. This process is based on the individual library's collection development policy. Sometimes this is referred to as collection management.

Consortial Interlibrary Loan — ILL within a consortial shared catalog is facilitated by the library automation system software that authenticates patrons and ILL requests.

Consortium — A group of libraries formally organized to promote common interests and achieve common goals, of which interlibrary loan and resource sharing activities are typical examples.

CONTU Guidelines — The "Guidelines for the Proviso of Subsection 108(g)(2)", known as the CONTU Guidelines, were developed by the National Commission on New Technological Uses of Copyrighted Works to assist librarians and copyright proprietors in understanding the amount of photocopying/reproducing for use in interlibrary loan arrangements permitted under the copyright law. See CCG.

Cooperative Agreement — A binding agreement between two or more parties.

Copyright Compliance — The requesting library is responsible for making certain that the interlibrary loan request conforms to the copyright law or the accompanying guidelines. A supplying library may choose to not process a request for a non-returnable item request if an indication of copyright compliance is not included. See CCG and CCL.

Copyright Law — The United States copyright law is contained in chapters 1 through 8 and 10 through 12 of title 17 of the United States Code. The Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976 as PL 94-553. Copyright law is intended to bring about a balance between the rights of creators and owners of copyrighted works and the needs of patrons of those works. Copyright law limits what may be copied, sold and distributed with and without the consent of the copyright owner. The rights of owners are enumerated in section 106, and the limitations on the owner's rights are listed in sections 107-118.

Date Due — Either the year, month and day by which the patron shall return the loaned item to the requesting library, or the period of time the item may remain with the requesting library, disregarding the time spent in transit.

Direct Borrowing — Direct borrowing implies an unmediated (library staff not involved in the process) patron-initiated request.

Fair Use — Fair use, described in section 107 of the U.S. Copyright Law, permits limited uses of copyrighted works by individuals who do not own the copyright to the work. The four criteria used to determine fair use are: the purpose of the use; the nature of the copyrighted work; the amount of the work used; and the effect of the use on the potential market.

FAX — Electronic transmission of text or graphics using telephone lines.

Fee — A charge for services. This includes, but is not limited to, shipping and handling charges, charges for damage to items, and replacement and/or processing charges for lost items.

Fine — A charge to the patron for late return of a borrowed item.

ILDS (Illinois Library Delivery Service) — The statewide vehicular delivery service, funded by the Illinois State Library, that provides delivery each week to library system headquarters and designated facilities, eligible academic members and the Illinois State Library in order to facilitate the rapid delivery of books and other library materials throughout the State.

ILLINET — The Illinois Library and Information Network, which consists of the library systems, its full member libraries and the Illinois State Library.

ILLINET Member Library — A library that is a full member of a library system.

Illinois Library Laws & Rules — Laws and administrative rules relevant to libraries in Illinois, compiled and published biennially by the Illinois Library Association and updated on the Illinois General Assembly website http://www.ilga.gov/.

In-Library Use Only — Materials designated by the supplying library as "in-library use only" shall be used only within the requesting library. These items may not be removed from the library.

Interlibrary Loan — The process by which a library requests material from, or supplies material to, another library. Whether initiated by library staff or patron, the purpose of interlibrary loan is to obtain, upon request of a library patron, material not available in the patron's local library. Circulation of materials between a central library and its branches or within a school district is not considered interlibrary loan.

Interlibrary Loan Transaction — The complete process of an interlibrary loan that includes all steps from the initial request by the requesting library (or requesting library patron) through the receipt of the item by the supplying library. For non-returnables, the transaction includes all steps from the initial request through receipt by the patron.

Intralibrary Loan – The circulation of materials between a central library and its branches or between buildings within a school district.

Lending Library — See Supplying Library.

Library Bill of Rights — A declaration developed and available from the ALA that outlines library responsibilities and patrons' rights to library services.

Library Records Confidentiality Act [75 ILCS 70] — Provides legal guaranties of patron confidentiality of circulation of library materials. Circulation records shall not be made available to anyone except by a court order in a criminal proceeding.

Library Learning (L2) — The online membership directory for ILLINET member libraries, which includes a staff directory and a resource sharing directory. L2 is home to a statewide calendar and registration service for meetings and other continuing education events in the State.

Library System Delivery — Dedicated delivery systems operated by the individual library systems for their members. Systems may operate the delivery service or may subcontract for it.

Multitype Library System — Meets the requirements of 75 ILCS 10/2(1), serving a minimum of 150,000 inhabitants or an area of not less than 4,000 square miles and serving a minimum of 10 or more public libraries, elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

National Information Standards Organization (NISO) — Organization credited by the American National Standards Institute. NISO is "where content publishers, libraries, and software developers turn for information industry standards that allow them to work together. Through NISO, all of these communities are able to collaborate on mutually accepted standards". ANSI/NISO Z39.83 is the standard for NISO Circulation Information Protocol (NCIP).

Non-returnables — Materials that the supplying library does not expect to have returned.

Patron — Individual who initiates an interlibrary loan request. Other synonymous terms include client, customer, end patron and library patron.

Primary Clientele — A library's patron group, defined locally by each library and as described in the library's mission statement, e.g., taxpayers, students and faculty, or local community.

Public Library System — A public library that serves a city of over 500,000 population and is established as a public library system under the Illinois Library System Act.

Reciprocal Access — How the resources of all full member libraries of a library system are made available to all patrons within the system area. Reciprocal access benefits should be imposed equally among all reciprocal access patrons and can include information passports, interlibrary loans, photocopy service, reference service, use of library materials on site, courtesy cards and other services. The library governing authority may approve reasonable restrictions related to computer access, library programs and meeting room use.

Requesting Library — The library that initiates an interlibrary loan request on behalf of a patron or permits direct borrowing.

Resource Sharing — Making the collections of one library available to the patrons of another library efficiently and effectively. Resource sharing encompasses the technical capabilities, staff expertise and policies necessary to achieve that objective. Resource sharing incorporates activities related to automated discovery tools (including shared online catalogs), collection management, bibliographic description, delivery, interlibrary loan, reciprocal access and reciprocal borrowing. Resource sharing is a core system service.

Returnables — Materials that the supplying library expects to have returned.

Rush — A designation by the requesting library that requires the item to be processed and sent in less than 24 hours.

Special Handling Provisions — Conditions for loaning designated by the supplying library such as in-library use only, restrictions on copying, special packaging, or other unique requirements.

Supplying Library — The library that fills an interlibrary loan request by either loaning the item or supplying a copy of the item.

Suspended Library — A library whose system membership is terminated by the library system board with concurrence by the State Librarian.

U.S. Code — The United States Code or USC; in the context of this document, the Copyright Law of the United States and Related Laws Contained in Title 17 of the United States Code.

Urgent — A designation by the requesting library that requires the item to be processed and received in less than 24 hours.

User-initiated Transaction — See Direct Borrowing.

Verification — The process by which a library determines the accuracy of information.

Working Days — Days on which the library is open for service.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois State Library Grant Programs

2) Code Citation: 23 Ill. Adm. Code 3035

3)

Section Numbers:	Proposed Action:
3035.10	Amendment
3035.115	Amendment
3035.135	Amendment
3035.140	Amendment
3035.150	Amendment
3035.230	Amendment
3035.420	Amendment
3035.450	Amendment
3035.510	Amendment
3035.520	Amendment
3035.540	Amendment
3035.700	Amendment
3035.710	Amendment
3035.720	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]

5) A Complete Description of the Subjects and Issues Involved: The administrative hearing procedures in Section 3035.150 reference the procedures in Sections in 23 Ill. Adm. Code.Subpart D. In addition, the incorporation by reference to the recent edition of the public library standards, "Serving Our Public 3.0: Standards for Illinois Public Libraries, 2014" is being updated in Sections 3035.115, 3035.450 and 3035.520.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

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

9) Does this rulemaking contain incorporations by reference? Yes. "Serving Our Public 3.0: Standards for Illinois Public Libraries, 2014 (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. The incorporation by reference appears in Section 3035.115, Section 3035.450 and Section 3035.520.

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

11) Statement of Statewide Policy Objectives: The policy objective of this rulemaking is to bring the Illinois State Library grant programs in agreement with the new Illinois Library System Act (23 Ill. Adm. Code 3030) and the incorporation by reference for public library standards are up-to-date.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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Rules Coordinator
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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Public libraries in the state work toward meeting the public library standards.

B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients are to follow the fiscal and reporting requirements of the program they receive a grant under.

C) Types of professional skills necessary for compliance: Libraries applying for and receiving grant funds from the Illinois State Library should have the administrative capacity to manage a grant program.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

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3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs
3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385, effective July 18, 2012; amended at 37 Ill. Reg. 4348, effective March 19, 2013; amended at 37

Ill. Reg. 18922, effective November 7, 2013; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: STATE GRANTS

Section 3035.10 Definitions

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code 3030.110~~3030.10~~ are applicable.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.115 Public Library Per Capita and Equalization Aid Grants

a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting Serving Our Public 3.0: Standards for Illinois Public Libraries (2014)~~the Illinois Library Standards 2.0, Serving Our Public: Standards for Illinois Public Libraries, 2009~~ (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when those levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.110~~1003030.10~~.

b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.

c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).

d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.

e) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.135 Requirements, Denial and Revocation of Approval

a) Libraries shall complete, on an annual basis, the certification process required for library system membership in order to apply for a grant under this Part.

b) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements and they possess the administrative capacity to perform the program, fiscal and reporting functions stipulated in this Part.

c) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.

d) Grant applicants shall use the grant application format prepared and made available by the State Librarian for this purpose. The applications are available at http://www.cyberdriveillinois.com/departments/library/grants/home.html. The applicant shall provide:

1) Project Director

2) Administrative Capacity

3) Project Title

4) Abstract

5) Primary Purpose

6) Project Description

7) Target Audience and Need

8) Project Schedule

9) Outcomes, Evaluations and Methods

10) Detail and Explanation of Expenses

e) Grant applications not submitted in the required format by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.

f) Any agency submitting a grant application not considered for funding by the Illinois State Library shall be notified, explaining the reason for denial.

g) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in Section 3035.150~~23 Ill. Adm. Code 3030.121~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.140 Grants, Expenditures and Audits

a) The Illinois State Library staff shall review grant applications. Additional qualified reviewers may be selected by the Director of the Illinois State Library as needed. If a grant reviewer has an application in competition or a conflict of interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle. The decision of the State Librarian is final.

b) The Illinois State Library will notify the submitting agency when the application is approved for contractual purposes.

c) Changes in the project budget of over 10 percent of the grant award shall have prior approval in writing from the Illinois State Library. Recipients of the Public

Library Per Capita and Equalization Aid Grants, the School Per Capita Grant, Live and Learn Construction Grant and Public Library Construction Grant shall follow the requirements in Sections 3035.115, 3035.120, 3035.450(b)(2)(H) and 3035.540(h), respectively.

d) Failure to spend funds in accordance with the application or approved amendment and the reporting procedures stipulated in this Part shall result in ineligibility for future grants for a period of one year.

e) All State funded grantees receiving grants under Subparts A, B, D, E, F and G at a combined cumulative total of $175,000 or more in Secretary of State grant awards in the same fiscal year shall submit an agency-wide audit upon completion of the grant activity.

1) All governmental unit audits shall comply with Government Auditing Standards: December 2011 Revision, published by the Comptroller General of the United States, Government Accountability Office, 441 G. Street, NW, Washington DC 20548. No later amendments to these standards are incorporated in this Section.

2) All not-for-profit agency audits will comply with Not-for-Profit Entities AICPA Audit and Accounting Guide: March 2012, published by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036. No later amendments to these standards are incorporated in this Section.

f) The Illinois State Library may request additional information and data from any governmental unit, not-for-profit agency, public corporation or other entity submitting a grant application.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.150 Appeal Procedure

a) Whenever the Illinois State Library rejects a completed and reviewed grant application under this Part, it shall so notify the applicant in writing within 7 days after the decision. The notice shall state with specificity the grounds for rejection. If a provision of this Part is used to reject the application, a copy of the rule shall be included in the notice.

b) Applicants may appeal the decision of the Illinois State Library by requesting a hearing within 30 days after receipt of the notice rejecting the application. The request shall be in writing and shall specify the grounds for the applicant's position that the application was rejected erroneously. The Illinois State Library shall notify the Secretary of State of the requests for hearings.

c) Grounds for Appeal

1) Grounds for appeal shall include the following:

The rules governing review of grant applications were not applied or were applied incorrectly by the Illinois State Library.

2) Grounds for appeal shall not include the following:

A) The applicant's intention to submit additional or clarifying information beyond the application deadline.

B) Funds appropriated to fund the grant program remain unobligated after successful applicants were awarded grants.

d) Hearing Arrangements are stipulated in 23 Ill. Adm. Code 3030.420 through 3030.495.

~~1) Upon receipt of a request for review, the State Librarian shall appoint an administrative law judge to officiate at the review hearing. The administrative law judge shall be an attorney licensed to practice law in Illinois or shall have experience in interpreting and applying Illinois administrative law. No person who has a bias or conflict of interest regarding the contested matter shall be appointed administrative law judge.~~

~~2) The hearing shall be held within 30 days after the date of the request for an appeal. The date and time shall be at the mutual convenience of the applicant and the Illinois State Library. The hearing shall be held at the Illinois State Library in Springfield, Illinois.~~

~~e) The Illinois State Library shall serve notice either personally or by certified or registered mail upon the applicant. The notice shall include the following:~~

~~1) A statement of the time, place and nature of the hearing;~~

~~2) A statement of the legal authority and jurisdiction under which a hearing is to be held;~~

~~3) A reference to the particular Sections of the substantive and procedural statutes and rules involved;~~

~~4) A short and plain statement of the matter in controversy and the consequences of a party's failure to participate in the hearing;~~

~~5) The names and mailing addresses of the administrative law judge and all parties that have been given notice of the hearing.~~

~~f) Rules Governing Conduct of the Hearing~~

~~1) All parties may be represented by legal counsel and shall be afforded an opportunity to respond and present evidence and argument. Parties may agree by stipulation upon any facts involved in the hearing.~~

~~2) Disposition of the case may be made by stipulation, agreed settlement, consent order or default.~~

~~3) The record of the hearing shall include the following:~~

~~A) All pleadings (including all notices and responses), motions and rulings;~~

~~B) All evidence received;~~

~~C) A statement of matters officially noticed;~~

~~D) Any offers of proof, objections and rulings;~~

~~E) Any proposed findings and exceptions;~~

~~F)~~ ~~Any decision, opinion or report by the administrative law judge;~~

~~G)~~ ~~All staff memoranda and data submitted to the administrative law judge or the Illinois State Library in connection with the matter;~~

~~H)~~ ~~Any ex parte communication by the Illinois State Library or the administrative law judge. No such communication shall form the basis of any finding of fact.~~

~~4)~~ ~~Oral proceedings or any part of oral proceedings shall be recorded stenographically or by other means that will adequately ensure the preservation of the proceeding and shall be transcribed at the request of any party and at that party's expense.~~

~~5)~~ ~~Findings of fact shall be based exclusively on the evidence and on matters officially noticed.~~

~~6)~~ ~~Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.~~

~~7)~~ ~~The grant applicant bears the burden of showing by clear and convincing evidence that the application should have been approved for funding.~~

e)~~g)~~ ~~Within 30 days after the hearing, the administrative law judge shall report to the Director of the Illinois State Library whether the rejection of the application for a grant was appropriate or inappropriate under the terms of this Part and the application materials submitted. The administrative law judge shall enumerate the rationale for the decision. The Director of the Illinois State Library shall review the report of the administrative law judge and prepare a recommendation to the Secretary of State approving or denying the appeal based on the application materials, report of the administrative law judge, and terms of this Part.~~ If the Secretary of State finds, upon review of the recommendations of the

administrative law judge and the Director of the Illinois State Library, that an application was erroneously denied, and if the applicant's project is higher in priority under Section 3035.430 than other projects recommended for a grant, the applicant's project will be funded during the fiscal year if sufficient funds are available, or the next fiscal year subject to an appropriation by the General Assembly. ~~All applicants will be notified in writing of the Secretary's final decision personally or by registered or certified mail within 30 days after the hearing. The final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall include a concise and explicit statement of the underlying facts supporting the findings.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.230 Review of Grant Applications

a) The LAB and other qualified reviewers shall review all grant applications for projects that are designed to deliver direct instructional service in literacy to adult students. If a grant reviewer has an application in competition or a conflict of interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle.

b) The review process will use the following selection criteria:

1) Whether the need for literacy services for the target population is demonstrated and how proposed literacy services address the need.

2) Whether statements from partnering agencies demonstrate cooperation and coordination with the proposed literacy project.

3) Whether the application contains a specific statement of project goals and outcomes, the methods used to achieve these goals and outcomes, and the manner in which these goals and outcomes will be evaluated.

4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.

5) Whether the application contains the number of students to be served and evaluation methods and procedures that will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student progress.

6) Whether the persons managing the project have experience, training or education to provide adult literacy programming, including at least a bachelor's degree, and the administrative capacity to support the project.

7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

Section 3035.420 Duty to Administer

a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any grants, when appropriate, on an annual basis from funds appropriated by the Illinois General Assembly.

b) The State Librarian shall add to, delete from, or modify this Part in accordance with the provisions of the Illinois Library System Act [75 ILCS 10], as necessary for the administration of these construction grants.

c) The Director of the Illinois State Library shall appoint a committee that will review applications for grants. The committee shall make recommendations on the program to the State Librarian. One committee member shall be an architect or an engineer licensed to practice in the State of Illinois.

d) If a grant reviewer has an application in competition or a conflict of interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle.~~Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial or other conflict of interest.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.450 Grant Application Procedure

The following application procedures shall apply:

a) The Illinois State Library shall issue application forms for library construction grants under this program.

b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. The applicant shall provide:

1) Application Phase

A) To be eligible for a Live and Learn construction grant, assurances contained in this Section, as listed in the Construction Grant Application Form.

B) A statement describing the necessity for the proposed project.

C) A statement of plans to meet existing library standards of service, Serving Our Public 3.0: Standards for Illinois Public Libraries (2014)~~Illinois Library Standard 2.0, Serving Our Public: Standards for Illinois Public Libraries~~, incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.

D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

E) A facility plan. For projects with a total cost of over $150,000, a library building consultant may work with the library in developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library

Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

F) For projects with a total cost equal to or greater than $75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.

G) Project design, with a site plan, outline of specifications and an estimated cost per square foot.

H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

I) For new construction, additions and projects involving evacuation of soil:

i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (http://www.illinoisfloodmaps.org/). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

J) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be

provided, except for mini-grants. The applicant shall provided assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

K) An Americans With Disabilities Act Self-Evaluation, except for new construction projects.

L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.

2) Construction Phase

A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.

C) An assurance that the library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

D) Architectural, engineering and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

F) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

G) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.

H) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of $20,000~~$10,000~~ or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

I) An assurance that contractors and subcontractors will comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.

J) Construction contracts signed by both the library board (or library system board) and contractors that is, or is comparable to, the Standard Form of Agreement Between Owner & Contractor A-101-2007, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:

i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.

ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

K) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.

L) An assurance that construction will not begin until a contract is executed with the State Librarian.

M) An assurance that construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).

N) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.

O) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.

i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.

iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).

iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.

P) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.

Q) An assurance that the library will establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.

R) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.

c) Some of the documentation and written assurances may be waived in the application, upon approval of the Illinois State Library, except that subsections (b)(2)(F) and (b)(2)(I) will not be waived.

d) Applications will be considered in accordance with Section 3035.420(c).

e) Grant applications are subject to the conditions stipulated in Section 3035.135.

f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section 3035.510 Definitions

"Act" means the Public Library Construction Act [30 ILCS 767].

"Enrichment Cost" means expenditures not included in the recognized project cost and designated as ineligible expenditures by the State Librarian.

"Full Member Library" means a library that meets the criteria for library system membership, as defined by mutual agreement, and implementation of all of the library system boards, subject to approval by the State Librarian.

"Grant Index" means a figure for each public library equal to one minus the ratio of the public library's equalized assessed valuation per capita to the equalized assessed valuation per capita of the public library located at the 90th percentile for all public libraries in the State. The grant index shall be no less than 0.35 and no greater than 0.75 for each public library; provided that the grant index for public libraries whose equalized assessed valuation per capita is at the 99th percentile and above for all public libraries in the State shall be 0.00.

"Intersystem Reciprocal Borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library Building Consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association and with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library. A public building commission may also serve the role of a library building consultant.

"Local Share" means funds provided by the local public library equal to the recognized project cost, subtracting the State's share.

"Off-site Improvements" means any improvements outside of the property line.

"On-site Improvements" means any improvements outside the building's five feet line but inside the property line of the site.

"Public Library" means a tax-supported public library or a library that receives revenues from other sources and is established by or as a governmental unit that

either levies a tax or expends funds for library purposes. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act [75 ILCS 5], the Village Library Act [75 ILCS 40], Division 5-38 of the Counties Code (Public County Library Service) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act [75 ILCS 45], the Library Property Sale Act [75 ILCS 55], and the Public Library District Act of 1991 [75 ILCS 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues and incorporated free public libraries not established by a governmental unit.

"Public Library Construction Project" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation, maintenance, and upkeep of capital facilities consisting of buildings, structures, durable equipment, and land for public library purposes.

"Public Library Facilities Plan" means a written plan that describes the form and functions of a library facility. The plan may include a description of the size of the facility, public service areas, staff space, collection, seating, technology and community meeting spaces.

"Recognized Project Cost" means the total of eligible costs that are funded with State and local funds to provide for the acquisition, development, construction, reconstruction, rehabilitation, improvement, architectural planning, installation, maintenance and upkeep of capital facilities consisting of buildings, structures, durable equipment and land for educational purposes, as determined by the State Librarian.

"State Librarian" means the Illinois Secretary of State.

"State's Share" means the product of the library's grant index and the recognized project cost, as determined by the State Librarian.

"Substantial Work" means certain expenditures on the physical structure involved in remodeling and updating, including systems like HVAC, electrical, plumbing and improvements that allow for accessibility, such as doors, ramps, elevators and restrooms.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.520 Grant Applications

a) For projects with a total cost equal to or greater than $75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.

b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:

1) A service plan statement of no more than two pages that states:

A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.

B) The necessity for the proposed project.

C) Plans to meet Serving Our Public 3.0: Standards for Illinois Public Libraries (2014)~~existing library standards of service (Serving Our Public~~, incorporated by reference in Section 3035.115(a)~~)~~.

D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

2) A public library facilities plan with the following components:

A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).

B) A site analysis, space needs assessment and project design.

C) How the library facility will provide access for the physically handicapped, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.

3) Supporting Documentation:

A) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

B) For new construction, additions and projects involving evacuation of soil:

i) Documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map website, http://www.illinoisfloodmaps.org/). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.

ii) A subsurface soil analysis by a soils engineer and environmental site assessment, if applicable.

iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

C) Documentation that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in

use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.

D) An Americans With Disabilities Act Self-Evaluation, except for new construction projects.

E) Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.

F) A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy and dedication.

G) A maintenance plan and schedule that contains necessary assurances that new, renovated and existing facilities are being or will be properly maintained.

c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.

d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.

e) Grant applications are subject to the conditions stipulated in Section 3035.140.

f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time.

g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c), supporting documentation related to the project site shall be provided before a grant award is made.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.540 Supervision of Public Library Construction Act Projects

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.

b) Construction work will be performed under the lump sum (fixed price) contract method.

c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.

f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].

g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.

h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of $20,000~~$10,000~~ or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.

j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-2007, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:

1) The bidding procedure outlined in subsection (e) was not followed.

2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.

k) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs. Decisions shall not affect the time frame imposed unless approved by the Director of the State Library.

l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a

plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.

m) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.

n) Construction will commence within 140 days after the effective date of the grant contract. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.

o) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.

1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.

2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.

3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).

4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.

p) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.

q) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.

r) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.

s) Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f) and (i) will not be waived.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

Section 3035.700 Purpose

a) The Illinois State Library distributes the Library Services and Technology Act (LSTA) appropriation to support statewide initiatives and services; sub-grant competitions or cooperative agreements to public, academic, school and special libraries; and regional library systems as stipulated in 23 Ill. Adm. Code 3030.200~~3030.35(b)~~.

b) The Illinois State Library recognizes certain legitimate Illinois library organizations as eligible for LSTA funding. Library organizations must draw their membership from librarians or various types of libraries as defined in 23 Ill. Adm. Code 3030.110~~3035.10~~. Their headquarters must be within the State of Illinois. Their mission must have the charge for promotion, provision, development and improvement of libraries and library services, and be based in Illinois.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.710 Definitions

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code 3030.110~~3030.10~~ are applicable.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3035.720 Duty to Administer

a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the State Librarian, to administer the provisions of this Subpart and to award any grants, when appropriate, on an annual basis from funds provided by the Institute of Museum and Library Services and appropriated by the Illinois General Assembly.

b) The Director of the Illinois State Library shall appoint a committee that will review applications for grants. The committee shall make recommendations on the program to the State Librarian. The Director of the Illinois State Library shall apprise the Illinois State Library Advisory Committee of the recommendations and program status.

c) If a grant reviewer has an application in competition or a conflict of interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle.~~Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Public Library Non-Resident Services

2) Code Citation: 23 Ill. Adm. Code 3050

3)

Section Numbers:	Proposed Action:
3050.10	Amend
3050.60	Amend

4) Statutory Authority: Implementing Section 4-17 of the Illinois Local Library Act [75 ILCS 5/4-7] and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and Section 8.25 of the State Mandates Act [30 ILCS 805/8.25]

5) A Complete Description of the Subjects and Issues Involved: The primary purpose of this rulemaking is to update the references to Sections in the Illinois Library System Act (23 Ill. Adm. Code 3030), which are being repealed and proposed as a new Part. The definition "non-resident" is being revised to agree with the definition of "non-resident" in the definition of "public library" in Section 3050.10 and references the definition of "public library" in 23 Ill. Adm. Code 3030.110. The incorporation by reference in Section 3050.60 (c) (1) is being removed since library systems maintain a record of non-resident fees and can calculate the system average for a non-resident public library card.

6) Published studies or reports, and sources of underlying date, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain any 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: The policy objectives of this rulemaking is to bring the Illinois State Library grant programs in agreement with the new Illinois Library System Act (23 Ill. Adm. Code 3030).

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield IL 62701-1796

217/558-4185
jnatale@ilsos.net

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profits corporations affected: Public libraries

B) Reporting, bookkeeping or other procedures required for compliance: Public libraries report to their library system the amount of the fee they charge for a non-resident card.

C) Types of professional skills necessary for compliance: Basic recordkeeping of non-resident library card holders.

14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3050
PUBLIC LIBRARY NON-RESIDENT SERVICES

Section
3050.10 Definitions
3050.20 Public Library Responsibilities
3050.25 Applying for a Non-Resident Library Card
3050.30 Regional Library System Responsibilities
3050.40 Options for Non-Resident Library Cards
3050.50 Criteria for Non-Resident Library Cards
3050.60 Non-Resident Fee Formula
3050.70 Non-Resident Property Owner
3050.80 Contractual Services
3050.90 State Mandates Act Exemption

AUTHORITY: Implementing and authorized by Section 4-7 of the Illinois Local Library Act [75 ILCS 5/4-7], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and Section 8.25 of the State Mandates Act [30 ILCS 805/8.25].

SOURCE: Adopted at 26 Ill. Reg. 5974, effective July 1, 2002; amended at 39 Ill. Reg. _____, effective _____.

Section 3050.10 Definitions

"Closest public library" means a participating public library that issues non-resident library cards that meet the conditions of Section 3050.25~~ of this Part~~. The~~The factor for determining the~~ closest public library for the non-resident shall be determined by the location of a participating public library.

"Commonality of community interests" means activities involving, but not limited to, education, retail, commercial, cultural, civic, health facilities, financial institutions and recreation.

"Non-resident" means an individual residing in Illinois who does not have his or her principal residence within ~~the territory of~~ a tax-supported public library

service area.

"Non-resident library card" means the library card purchased by an individual residing in an area not taxed for public library service from a participating public library.

"Participating public library" means the public library whose board of trustees authorizes the issuance of non-resident library cards.

"Public library" has the defintion ascribed ~~means the same as defined~~ at 23 Ill. Adm. Code 3030.110~~3030.10~~.

"Public library service area" means the legal territory served by the public library.

"School district" means high school district or unit district.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 3050.60 Non-Resident Fee Formula

A~~There are three options that a~~ public library can use three options to determine its *non-resident fee according to the formula established by the Illinois State Library* [75 ILCS 5/4-7(12) and 16/30-55.60]. In subsections (a) and (b) of this Section, the non-resident fee shall be equitable and proportionate to the fee paid by residents.

a) General Mathematical Formula~~:~~

1) To determine the minimum non-resident fee, a local library should divide the library income from local property tax sources or its equivalent by the local population to determine the cost of service per capita. In the case of endowed libraries that receive no income from local tax sources of any kind and meet the requirements for library system membership, the endowed library may determine the minimum non-resident fee by dividing the amount of income it receives from non-tax sources that is required to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act by the local population to determine the cost of service per capita. All local libraries ~~The library~~ should then multiply the per capita figure by the average number of persons per household in the community to obtain the average cost per household on which to base a fee for a

family card. The most recent federal census information available shall be used in determining population and household size.

2) Library income from local property tax sources excludes State and federal funds.

b) Tax Bill Methods~~:~~

1) Non-Resident Taxpayer: The library tax rate or equivalent, including all special levies, is applied to the non-resident property owner's principal residence assessed valuation on an individual, case by case basis. The most recent property tax bill will be used. The property owner will pay the same amount as would be paid if the property were in the library service area.

2) Non-Resident Renter: The library shall either charge a minimum of 15 percent of the monthly rent as the annual non-resident fee, or devise its own formula. The local formula shall take into account the average local rent of the general community of the public library, the property tax rate, and the non-resident fee for residential homeowners. The library board shall annually determine the percent to be applied to non-resident renters. The renter shall provide to the public library a current rent receipt or a cancelled rent check for verification purposes.

c) Adoption of the Average Non-Resident Fee in the System Area~~:~~

1) In public library service areas with a disproportionately large share of the property valuation in agricultural, industrial, mining, commercial or other non-residential property, the library board of trustees may ask the Director of the Illinois State Library for authorization to adopt as its non-resident fee the average non-resident fee in the system in which the library is located.~~ Such average will be taken from "Illinois Public Library Statistics: Analyses, 2001-2002", produced by the Library Research Center, University of Illinois at Urbana-Champaign, 501 E. Daniel Street, Champaign IL 61820, http://lrc.lis.uiuc.edu/IPLAR/ form/, 2001-2002, no later editions or revisions included.~~

2) This exception is not a general alternative to the formula~~,~~ and will apply only under the conditions stated in subsection (c)(1)~~above~~, with the

approval of the Illinois State Library.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Use of Department Facilities and Grounds

2) Code Citation: 89 Ill. Adm. Code 433

3)

Section Numbers:	Adopted Action:
433.4	Repealed
433.6	Amendment

4) Statutory Authority: 42 USC 12101; 20 ILCS 505/4

5) Effective Date of Rule: November 21, 2014

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

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: January 10, 2014; 38 Ill. Reg. 610

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

11) Differences between Proposed and Final Version: In response to public comment, the Department agreed not to amend Section 433.6 (c), as had originally been intended.

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: This rulemaking was proposed in response to an OIG Report that recommends that DCFS facilities no longer be used for non-State business and only during normal hours of operation when DCFS staff are present.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

217/524-1983
TTY: 217/524-3715
fax: 217/557-0692
cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 433
USE OF DEPARTMENT FACILITIES AND GROUNDS

Section

433.1 Purpose
433.2 Definitions
433.3 Employee Organization Requests
433.4 Community Citizen Group Requests (Repealed)
433.5 Solicitation of Employees by For-Profit Organizations or Individuals
433.6 Request Approval

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

SOURCE: Adopted and codified at 5 Ill. Reg. 5495, effective May 27, 1981; amended at 38 Ill. Reg. 22631, effective November 21, 2014.

Section 433.4 Community Citizen Group Requests (Repealed)

~~Community citizen groups may request permission from a facility administrator to use assembly halls, auditoriums, and similar meeting rooms for religious, fraternal, educational or social activities on a temporary basis, free of charge.~~

(Source: Repealed at 38 Ill. Reg. 22631, effective November 21, 2014)

Section 433.6 Request Approval

The facility administrator shall grant employee organizations ~~or community citizen groups~~ permission to use facility space on a non-discriminatory first come-first served~~first come, first serve~~ basis when:

a) The meetings do not interfere with the Department's operation and use of the facilities;~~ and~~

b) The meeting will not disrupt the Department services offered in the facility;~~ and~~

c) The Department will incur no additional cost as a result of the meeting. Some examples of additional costs are additional overtime for security guards or supervisory personnel required to assure the facility is locked, and unreasonable energy costs to maintain heating or air conditioning; and

d) The organization or group will leave the facility in the same condition as it was found.

(Source: Amended at 38 Ill. Reg. 22631, effective November 21, 2014)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

1) Heading of the Part: Collection of Out-of-Service Mercury Thermostats

2) Code Citation: 35 Ill. Adm. Code 190

3)

Section Numbers:	Adopted Action:
190.100	New Section
190.110	New Section
190.120	New Section
190.130	New Section
190.140	New Section

4) Statutory Authority: Implementing and authorized by Section 25(c) of the Mercury Thermostat Collection Act [415 ILCS 98/25(c)]

5) Effective Date of Rule: November 20, 2014

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 rule, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, PO Box 19276, Springfield IL 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 15811; July 25, 2014

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

11) Differences between Proposed and Final Version: Illinois EPA made the following changes between the Proposed and Final Versions.

In the source note, change "Adopted" to "Old Part repealed 22 Ill. Reg. 14327, effective July 15, 1998; new Part adopted."

In 190.130(a):

Change "2016 22,500" to "2016 25,000".

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

Change "2018 30,000" to "2018 32,500".

Change "2020 37,500" to "2020 40,000".

After 190.130(a), add a new subsection (b):

"Failure to Achieve Annual Collection Goals in Calendar Year 2015 or 2017

1) *If the collection programs do not collectively achieve the collection goals provided for in this Part for calendar year 2015 or 2017, thermostat manufacturers shall, individually or collectively, submit to the Agency for review and approval proposed revisions to the collection programs that are designed to achieve the goals in subsequent calendar years. The proposed revisions shall be submitted to the Agency with the annual report required in Section 20 of the Act.* [415 ILCS 98/15(c)]

2) *If the Agency determines the revised collection programs will not collectively achieve the collection goals set forth in this Part, the Agency may require modifications to one or more collection programs that the Agency determines are necessary to achieve the collection goals. Modifications required by the Agency may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a $5 financial incentive in the form of either cash or a coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.* [415 ILCS 98/15(d)(2)]"

Change the labels on the old 190.130(b) and 190.130(c) to "c)" and "d)".

In the penultimate line of 190.130(d), change "in" to "*to be posted on the manufacturer's website in*".

After the period at the end of 190.130(d), add "[415 ILCS 98/25(b)].

Italicize everything in the first 4 lines of 190.130(d) except for "2016".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

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

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

15) Summary and Purpose of Rule: Section 25(c) of the Mercury Thermostat Collection Act requires the Illinois EPA to establish collection goals for calendar years 2015 through 2020 for mercury thermostat collection programs established by thermostat manufacturers. The rule establishes those collection goals.

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

James Jennings
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544
james.m.jennings@illinois.gov

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 190
COLLECTION OF OUT-OF-SERVICE MERCURY THERMOSTATS

Section
190.100 Purpose
190.110 Applicability
190.120 Definitions
190.130 Annual Collection Goals
190.140 Severability

AUTHORITY: Implementing and authorized by Section 25(c) of the Mercury Thermostat Collection Act [415 ILCS 98/25(c)].

SOURCE: Old Part repealed at 22 Ill. Reg. 14327, effective July 15, 1998; new Part adopted at 38 Ill. Reg. 22635, effective November 20, 2014.

Section 190.100 Purpose

The purpose of this Part is to set forth the annual collection goals for calendar years 2015 through 2020 for out-of-service mercury thermostats collected in accordance with collection programs established by thermostat manufacturers under the Mercury Thermostat Collection Act.

Section 190.110 Applicability

This Part applies to thermostat manufacturers required to operate programs for the collection, transportation and proper management of out-of-service mercury thermostats pursuant to Section 15 of the Act.

Section 190.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as those applied to the same words or terms in the Mercury Thermostat Collection Act.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

"Act" means the Mercury Thermostat Collection Act. [415 ILCS 98]

"Agency" means *the Illinois Environmental Protection Agency.* [415 ILCS 98/10]

"Collection Program" means *a system for collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with the Act.* [415 ILCS 98/10]

"Mercury Thermostat" means *a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilating, or air conditioning equipment, including those products or devices used to sense and control room temperature in residential, commercial, industrial, and other buildings. "Mercury thermostat" does not mean thermostats used to sense and control temperature as part of a manufacturing or industrial process.* [415 ILCS 5/22.23b(f)]

"Out-of-service Mercury Thermostat" means *a mercury thermostat that is removed, replaced, or otherwise taken out of service.* [415 ILCS 98/10]

"Person" means *any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or its legal representatives, agents, or assigns.* [415 ILCS 98/10]

"Thermostat Manufacturer" means *a person who owns or owned a name brand of one or more mercury thermostats sold in Illinois.* [415 ILCS 98/10]

Section 190.130 Annual Collection Goals

a) Collection programs required under the Act shall be designed to collectively achieve the following annual statewide collection goals:

Calendar Year	Mercury Thermostats Taken Out of Service
2015	22,500
2016	25,000

2017	30,000
2018	32,500
2019	37,500
2020	40,000

b) Failure to Achieve Annual Collection Goals in Calendar Year 2015 or 2017

1) *If the collection programs do not collectively achieve the collection goals provided for in* this Part *for calendar year 2015 or 2017, thermostat manufacturers shall, individually or collectively, submit to the Agency for review and approval proposed revisions to the collection programs that are designed to achieve the goals in subsequent calendar years. The proposed revisions shall be submitted to the Agency with the annual report required in Section 20 of the Act.* [415 ILCS 98/15(c)]

2) *If the Agency determines the revised collection programs will not collectively achieve the collection goals set forth in* this Part, *the Agency may require modifications to one or more collection programs that the Agency determines are necessary to achieve the collection goals. Modifications required by the Agency may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a $5 financial incentive in the form of either cash or a coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.* [415 ILCS 98/15(d)(2)]

c) *Any person adversely affected by a goal established by* subsection (a) *may obtain a determination of the validity or application of the goal by filing a petition for review* on or before January 1, 2015. Any appeal must be filed *with the Appellate Court for the District in which the cause of action arose. During the pendency of the review, the goal under review shall remain in effect.* [415 ILCS 98/25(d)]

d) *No later than April 1,* 2016 *and no later than April 1 of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the Agency covering the one-year period ending December 31 of the previous year*, to *be posted on the manufacturer's website* in accordance with Section 20(b) of the Act [415 ILCS 98/25(b)].

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULE

Section 190.140 Severability

If any Section, subsection, sentence, or clause of this Part is judged invalid, that adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence, or clause of this Part not judged invalid.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies

2) Code Citation: 59 Ill. Adm. Code 50

3)

Section Numbers:	Adopted Action:
50.40	Amendment
50.70	Amendment
50.90	Amendment
50.100	Amendment

4) Statutory Authority: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305] and PA 98-711

5) Effective Date of Rule: November 20, 2014

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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 29, 2014; 38 Ill. Reg. 18065

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

11) Differences between Proposed and Final Version: No substantive changes have been made to this proposed version.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: PA 98-711 makes substantiated findings of financial exploitation reportable to the Health Care Worker Registry maintained by the Department of Public Health. PA 98-711 went into effect on July 16, 2014. To comply with Public Act 98-0711, these amendments will make substantiated findings of financial exploitation reportable to the Health Care Worker Registry maintained by the Department of Public Health.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 50
OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT IN
STATE-OPERATED FACILITIES AND COMMUNITY AGENCIES

Section
50.10 Definitions
50.20 Reporting an Allegation of Abuse, Neglect, or Financial Exploitation and Death Reports
50.30 Responsibilities of OIG for Intake Assessment
50.40 Method of Investigation
50.50 Conducting Investigations
50.60 Processing Investigative Reports, Reconsideration and Clarification Request Requirements, and the Contents of Case Files
50.70 Completed Investigations
50.80 Written Responses
50.90 Reporting by the Inspector General to the Illinois Department of Public Health Health Care Worker Registry
50.100 Removal of an Employee's Name and Finding from the Illinois Department of Public Health Health Care Worker Registry

AUTHORITY: Implementing and authorized by Section 1-17 of the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 22 Ill. Reg. 19334, effective October 19, 1998; emergency amendment at 23 Ill. Reg. 4513, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10812, effective August 23, 1999; emergency amendment at 26 Ill. Reg. 484, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8352, effective May 24, 2002; amended at 32 Ill. Reg. 8132, effective May 16, 2008; emergency amendment at 33 Ill. Reg. 13489, effective September 10, 2009, for a maximum of 150 days; emergency expired February 6, 2010; amended at 34 Ill. Reg. 5239, effective March 25, 2010; emergency amendment at 38 Ill. Reg. 18242, effective August 13, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19152, effective September 10, 2014; amended at 38 Ill. Reg. 22642, effective November 20, 2014.

Section 50.40 Method of Investigation

a) Determination of primary responsibility for investigation

1) The Office of Inspector General shall determine whether OIG, or the community agency with an approved OIG investigative protocol, shall take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation, frequency of allegations and complaints of a comparable type and knowledge of the facility or agency.

2) OIG shall determine who shall assume primary responsibility for the investigation within one day after receipt of an allegation.

3) OIG shall notify the authorized representative, the victim or guardian (if applicable) and the accused employee in writing when an investigation will be opened and to whom the primary responsibility for the investigation will be assigned.

4) OIG shall assume primary responsibility for investigating the following allegations:

A) Allegations of physical abuse, ~~or~~ sexual abuse or financial exploitation~~by an employee or allegations of financial exploitation over $300~~ by an employee, facility or agency;

B) Allegations of neglect by an employee that result in an individual's death or other serious deterioration of an individual's physical or mental condition.

5) For any other allegation, OIG may designate primary responsibility for the investigation to the community agency on a case-by-case basis using the OIG investigative protocol. If at any time during the course of the investigation, the community agency requests that OIG assume primary responsibility for the investigation, OIG shall do so.

6) When OIG designates primary responsibility for the investigation to the agency, OIG will provide investigative guidance and be available for assistance and shall retain the right to assume primary responsibility for the investigation at any time.

7) If an investigation results in a substantiated finding of physical abuse, sexual abuse, ~~or~~ egregious neglect or financial exploitation, it shall result in the accused employee's identity and the OIG finding being reported to the Health Care Worker Registry in accordance with Section 50.90.

b) OIG investigations may include, but are not limited to, site visits, telephone contacts, requests for written statements and responses from the community agency or the facility.

c) Nothing in this Part precludes a community agency or facility from taking immediate action that may include protecting the individuals from danger or harm, notifying appropriate law enforcement officials, or taking any other administrative action deemed necessary by the community agency or facility, unless otherwise directed by OIG. The agency shall request approval from OIG prior to conducting its own full investigation beyond what is outlined in Section 50.30(f)(4).

(Source: Amended at 38 Ill. Reg. 22642, effective November 20, 2014)

Section 50.70 Completed Investigations

a) The investigative report and the investigation shall be considered complete 30 calendar days after the notice required in Section 50.60(a)(5)(A) and (B) has been sent to the facility or agency, barring cases when a reconsideration request has been granted to any requestor.

b) Distribution of completed investigative reports

1) *Within ten days after the transmittal of a completed investigative report substantiating an allegation, or if a recommendation is made, the Inspector General shall provide the investigative report on the case to the Secretary and to the director of the facility or agency where the abuse, neglect or financial exploitation occurred.* (Section 1-17(m) of the Act)

2) The Inspector General shall provide a completed investigative report within 10 calendar days to Equip for Equality, Inc., and the Illinois Guardianship and Advocacy Commission.

3) The Inspector General shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with developmental disabilities within 10 calendar days to the Illinois Department of Public Health and the Department's Office of Developmental Disabilities.

4) The Inspector General shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with mental illness within 10 calendar days to the Department's Office of Mental Health.

5) If the Inspector General substantiates abuse, neglect or financial exploitation at a community agency serving individuals with developmental disabilities or recommends administrative action, the investigative report shall be provided to the Department's Office of Developmental Disabilities within 10 calendar days.

6) If the Inspector General substantiates abuse, neglect or financial exploitation at a community agency serving individuals with mental illness or recommends administrative action, the investigative report shall be provided to the Department's Office of Mental Health within 10 calendar days.

7) The Inspector General shall provide a completed investigative report of all cases substantiating abuse, neglect or financial exploitation or recommending administrative action in community agencies within 10 calendar days to the Department's Bureau of Accreditation, Licensure and Certification.

8) The Inspector General shall provide a completed investigative report in all cases substantiating abuse, neglect or financial exploitation against a Department employee within 10 calendar days to the Department's Bureau of Labor Relations.

9) The Inspector General shall provide a completed investigative report substantiating abuse, neglect or financial exploitation if a legal issue is involved within 10 calendar days to the Department's General Counsel.

10) When an accused employee in a substantiated case is licensed by the

Department of Financial and Professional Regulation, the Inspector General shall provide a copy of the investigative report to that agency.

c) The facility or agency shall inform the victim and the legal guardian (if applicable) and the accused employee whether the reported allegation was substantiated, unsubstantiated or unfounded. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

d) The Office of the Inspector General shall inform the accused employee of the results of a reconsideration request or of any changes in the finding that resulted from a reconsideration request within 15 days.

e) If the finding substantiates physical abuse, sexual abuse, ~~or~~ egregious neglect or financial exploitation, the Inspector General shall report the identity of the accused employee and finding to the Health Care Worker Registry. The Inspector General shall notify the accused employee of the right to appeal the action that will place his or her identity on the Health Care Worker Registry as described in Section 50.90 of this Part.

f) Release of investigative reports

1) *All investigative reports prepared by the Office of the Inspector General shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law*. (Section 1-17(m) of the Act)

2) Substantiated findings shall be released in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and the Freedom of Information Act [5 ILCS 140].

3) *Unsubstantiated and unfounded investigative reports shall not be disclosed except as allowed pursuant to Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act* [210 ILCS 30] *or a valid court order.* (Section 1-17(m) of the Act)

4) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant in writing. The identity of a required

reporter shall only remain confidential under certain circumstances as determined by OIG on a case-by-case basis.

g) Recommendations for sanctions

1) The Inspector General may recommend to the Illinois Department of Public Health and the Department of Human Services that sanctions be imposed against facilities or community agencies to protect residents, including:

A) appointment of on-site monitors or receivers;

B) transfer or relocation of an individual or individuals;

C) closure of units; and

D) Termination of any one or more of the following:

i) Department licensing;

ii) Department funding; or

iii) Department certification.

2) The Inspector General may seek the assistance of the Attorney General of Illinois or the State's attorney for imposing sanctions listed in subsection (g)(1).

(Source: Amended at 38 Ill. Reg. 22642, effective November 20, 2014)

Section 50.90 Reporting by the Inspector General to the Illinois Department of Public Health Health Care Worker Registry

a) An employee's identity and the investigative finding will not be forwarded to the Health Care Worker Registry when:

1) The Inspector General has issued an amended investigative report, as a result of a reconsideration, that no longer contains a substantiated finding; or

2) The parties have jointly requested the administrative law judge consider a stipulated disposition of the proceeding and the Secretary agrees with the stipulated disposition; or

3) The employee has notified the Inspector General in writing, including any supporting documentation, that he or she is formally contesting an adverse employment action resulting from a substantiated finding by a complaint filed with the Illinois Civil Service Commission or has filed an action pursuant to any applicable collective bargaining agreement; or

4) The employee has requested a hearing to appeal the placement of his/her name on the Health Care Worker Registry and it has not been completed.

b) After the Inspector General's investigative report becomes a final report, the Inspector General shall notify the employee against whom the Inspector General has substantiated physical abuse, sexual abuse, ~~or~~ egregious neglect or financial exploitation that his or her identity and the investigative finding will be placed on the Health Care Worker Registry maintained by the Illinois Department of Public Health.

c) The notification to the employee of the decision to place his or her name and the investigative finding on the Health Care Worker Registry shall be provided to the last known address of the employee by certified mail and shall include:

1) A clear and concise statement of the grounds on which the report to the Health Care Worker Registry is based.

2) Information on the opportunity to request a Registry hearing to contest the decision to place the employee's name and the reporting of the investigative finding on the Health Care Worker Registry, or in lieu of a request for a hearing, the opportunity to submit a written response to the decision to place the employee's name and the reporting of the investigative finding to the Health Care Worker Registry.

3) Explanation of the mechanism by which the employee can request a hearing.

d) If the employee requests a Registry hearing:

1) The employee and the Department may provide documentary, physical and oral evidence at the hearing.

2) The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical abuse, sexual abuse, ~~or~~ egregious neglect or financial exploitation warrants reporting to the Health Care Worker Registry.

3) Hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearings and appeals at 89 Ill. Adm. Code 508. In the event there is a conflict between 89 Ill. Adm. Code 508 and this Part, the provisions of this Part shall prevail.

4) If applicable, in addition to notice to the Inspector General, the employee must give written notice to the Department's Bureau of Administrative Hearings, Department of Human Services, Office of the General Counsel, 401 S. Clinton, 6th Floor, Chicago IL 60607, Attn: Bureau of Administrative Hearings, that he or she has initiated the grievance or arbitration process and the date of initiation, or has filed an action with the Civil Service Commission. The notice must include a copy of the grievance or the filing with the Civil Service Commission.

5) The employee may request a hearing no later than 30 calendar days after receipt of the notice issued pursuant to Section 50.70(e). The employee shall file an appeal in writing to the Bureau of Administrative Hearings, Department of Human Services, Office of the General Counsel, 401 S. Clinton, 6th Floor, Chicago IL 60607, Attn: Bureau of Administrative Hearings, requesting a hearing and stating out the reasons why the proposed report to the Registry is not warranted.

e) If the employee does not request a hearing or if the hearing results in a decision that the reporting of the Inspector General's finding to the Health Care Worker Registry is warranted, the Inspector General shall report the name of the employee to the Health Care Worker Registry maintained by the Illinois Department of Public Health and notify the employee of the report.

f) The Inspector General's report to the Health Care Worker Registry shall include:

1) The identity of the employee, including the employee's social security number, and identification of the substantiated finding that resulted in the name of the employee being placed on the Health Care Worker Registry;

2) the final decision from the Department's Registry hearing, if one was held; and

3) A brief statement from the reported employee if the employee chooses to make a statement.

(Source: Amended at 38 Ill. Reg. 22642, effective November 20, 2014)

Section 50.100 Removal of an Employee's Name and Finding from the Illinois Department of Public Health Health Care Worker Registry

a) If a name and finding has been sent to the Health Care Worker Registry and a grievance or arbitration proceeding or a Civil Service Commission decision subsequently overturns the action against the employee, the name and finding shall be removed from the Registry.

b) An employee may petition, in writing, the Department of Human Services for removal of the finding against the employee at any time after the name has been placed on the Health Care Worker Registry, but not more than once in every 12 months.

c) The petition shall be sent to the Department's Bureau of Administrative Hearings, Office of the General Counsel, 401 S. Clinton, 6th Floor, Chicago IL 60607, Attn: Bureau of Administrative Hearings.

d) The Office of Inspector General shall conduct an investigation into the petition.

e) Following the investigation, the Department's Bureau of Administrative Hearings shall conduct a hearing in accordance with 89 Ill. Adm. Code 508 and inform the Department of its decision.

f) The parties may jointly request that the administrative law judge consider a stipulated disposition of the proceedings, and if the Secretary agrees with the stipulated disposition, a hearing need not take place.

g) At the hearing, the petitioner shall have the burden to demonstrate by a preponderance of evidence that removal of the name and finding from the Health Care Worker Registry is in the public interest.

h) The hearing officer's recommended decision shall take into account, but not be limited to, the following considerations included in the petition:

1) Statement of the nature of the physical abuse, sexual abuse, ~~or~~ egregious neglect or financial exploitation for which the petitioner's name was placed on the Health Care Worker Registry;

2) Evidence that the petitioner is now rehabilitated, trained or educated and able to perform duties in the public interest;

3) Evidence of the petitioner's conduct since name was placed on the Health Care Worker Registry; and

4) Evidence of the petitioner's candor and forthrightness in presenting information in support of the petition.

i) The Inspector General shall, upon receiving the Department's hearing decision, request the Department of Public Health to remove a name and finding from the Health Care Worker Registry when:

1) The hearing decision finds that it is in the public interest to do so; or

2) The parties have jointly requested the administrative law judge consider a stipulated disposition of the proceeding and the Secretary agrees with the stipulated disposition.

j) The waiver process for Department of Public Health findings does not apply to the Office of Inspector General findings on the Registry.

(Source: Amended at 38 Ill. Reg. 22642, effective November 20, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Number: 113.264 — Adopted Action: Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and PA 98-0674

5) Effective Date of Rule: November 20, 2014

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 rule, 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*: August 15, 2014; 38 Ill. Reg. 17183

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

11) Differences between Proposal and Final Version: No substantive changes have been made to the proposed version.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

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

15) Summary and Purpose of Rulemaking: Public Act 98-0674 went into effect on June 30, 2014. Upon becoming law on July 1, 2014, the law change adjusts the allowance for refugees ineligible for SSI to 90% of the current maximum SSI payment amount per month. As a result, beginning July 1, 2014, the cash assistance standard for noncitizens ineligible for SSI due to the 7-year federal limit is increased to $648.90.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care, Personal Care or Nursing Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
113.263 Service Animals
113.264 Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)
113.420	Financial Factors of Eligibility (Repealed)
113.425	Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435	Medical Eligibility (Repealed)
113.440	Attorney's Fees for SSI Applicants (Repealed)
113.445	Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450	Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500	Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, l983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, l984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, l984; amended at 8 Ill. Reg. 13273, effective July 16, l984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011; amended at 36 Ill. Reg. 15195, effective October 5, 2012; emergency

amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013; amended at 38 Ill. Reg. 16229, effective July 18, 2014; emergency amendment at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 22654, effective November 20, 2014.

SUBPART D: PAYMENT AMOUNTS

Section 113.264 Refugees Ineligible for SSI

a) An allowance of 90% of the current maximum SSI payment amount per month~~not to exceed $500~~ is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens pursuant to 8 USC 1612(a)(2)(A).

b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:

1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);

2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);

3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);

4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461);

5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253); and

6) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

c) No other allowances will be authorized.

(Source: Amended at 38 Ill. Reg. 22654, effective November 20, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Partner Abuse Intervention

2) Code Citation: 89 Ill. Adm. Code 501

3)

Section Numbers:	Adopted Action:
501.10	Repealed
501.20	Repealed
501.30	Repealed
501.40	Repealed
501.50	Repealed
501.60	Repealed
501.70	Repealed
501.80	Repealed
501.90	Repealed
501.100	Repealed
501.110	Repealed
501.120	Repealed
501.130	Repealed
501.140	Repealed
501.150	Repealed

4) Statutory Authority: Implementing the Domestic Violence Act [750 ILCS 60]

5) Effective Date of Repealer: November 19, 2014

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19437

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

11) Differences between Proposal and Final Version: There are no differences between the proposal and the final version.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this repealer replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: Due to the extensive amendments that were being made to this Part and the moving of Subparts, JCAR and the Department of Human Services agreed to repeal this Part and file a new Proposed Part by proposed rulemaking.

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

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

217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Partner Abuse Intervention

2) Code Citation: 89 Ill. Adm. Code 501

3)

Section Numbers:	Adopted Action:
501.10	New Section
501.20	New Section
501.30	New Section
501.40	New Section
501.50	New Section
501.60	New Section
501.70	New Section
501.80	New Section
501.90	New Section
501.105	New Section
501.115	New Section
501.125	New Section
501.135	New Section
501.145	New Section
501.155	New Section
501.160	New Section
501.170	New Section
501.180	New Section
501.190	New Section
501.200	New Section
501.210	New Section
501.220	New Section
501.230	New Section
501.240	New Section
501.250	New Section
501.260	New Section
501.270	New Section
501.280	New Section
501.290	New Section
501.300	New Section
501.310	New Section
501.400	New Section
501.410	New Section
501.420	New Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

501.430	New Section
501.440	New Section
501.APPENDIX A	New Section

4) Statutory Authority: Implementing the Domestic Violence Act [750 ILCS 60], the Domestic Violence Shelters Act [20 ILCS 1310/3], the Code of Criminal Procedure [725 ILCS 5] and the Unified Code of Corrections [730 ILCS 5]

5) Effective Date of Rule: November 19, 2014

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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notices of Proposal published in the *Illinois Register*: December 6, 2013; 37 Ill. Reg. 19457

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

11) Differences between Proposal and Final Version: The following changes were made to the amendments:

In the Table of Contents, added Sections 501.410, 501.420, 501.430, 501.440, and 501.APPENDIX A.

Deleted the definition of *"Domestic Violence and Abuse"*.

The definition of "Domestic Violence Victim Services Program" was changed.

The definition of "Intimate Partner Violence Risk Assessment" was added.

The definition of "Participants" was changed.

The first sentence of Section 501.20 was changed.

In Section 501.30, deleted b) 4) and b) 6).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

In Section 501.50, the end of the paragraph was changed.

In Section 501.80, language was deleted.

In the first sentence of Section 501.90 a), added "in-person" after "conduct".

In Section 501.90 b) 1), changed "sexual respect" to "learning to respect the partner's preferences with regard to intimate activities and respect for the gender of the partner".

In Section 501.90 b) 3), deleted all of A) and B).

In Section 501.90 c) 1) C), language was added.

In Section 501.90 c) 1), deleted J).

In Section 501.90 d) 1), changed "co-facilitated" to "conducted by two facilitators".

In the last sentence of Section 501.90 d) 2), changed "certification" to "verification".

In Section 501.105 a), language was deleted.

In Section 501.105 a) 5), language was deleted.

In Section 501.105 a) 7), after "PAIP's" added "Board".

In Section 501.105, language was added.

In Section 501.115 b) 2), after "information" added "from various sources".

In Section 501.115 b) 4) B), deleted "victimization".

In Section 501.115 b) 5), changed "elder abuse" to "Department on Aging".

In Section 501.125 c), changed "and referral reason" to "(i.e., the situation that led to arrest or mandated referral)".

In Section 501.210, in the last sentence of the first paragraph, changed "should" to "shall".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

Changes were made to Section 501.220 c) 2).

In the first sentence of Section 501.230 a), deleted "court".

In the second sentence of Section 501.230 a), changed "court" to "referral".

In the first sentence of Section 501.230 b), changed "court" to "referral".

In Section 501.230, deleted c).

In Section 501.230, changed subsection label "d)" to "c)" and changed "courts, DCFS or other necessary entities" to "referral entity".

In Section 501.240 c), language was deleted.

In the second sentence of Section 501.250, changed "necessitate an individual's need" to "require an individual".

In the third sentence of Section 501.250, after "information" added "that will be submitted".

In Section 501.280, replaced a) with "PAIP staff must not be perpetrators of abusive behavior, except as authorized by Section 501.90(d)(2)."

In Section 501.280 b), changed "Program" to "PAIP".

In Section 501.290 a), changed "these guidelines" to "this Part".

In Section 501.290 c), language was added.

In Section 501.310 a) 6), changed "the protocol" to "this Part".

In Section 501.310 b), deleted "members".

Section 501.400 was changed.

At the end, added language for the following sections 501.410, 501.420, 501.430, 501.440 and 501.APPENDIX A.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: This rulemaking will update language to meet the needs of current best practices and allow the Department to respond to provider and participants needs.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 501
PARTNER ABUSE INTERVENTION

SUBPART A: GENERAL PROVISIONS

Section
501.10 Definitions
501.20 Introduction
501.30 Purpose and Principles
501.40 Protocol Application Process
501.50 Appeal Grievance Procedures
501.60 Case-by-Case Resolution
501.70 Monitoring and Technical Assistance

SUBPART B: PROGRAM REQUIREMENTS

Section
501.80 Design
501.90 Educational Component
501.105 Service Coordination
501.115 Intake Process/Intake Screening and Key Documents
501.125 Exclusion Criteria
501.135 Substance Abuse
501.145 Abuse and Neglect of Children and Other Family Members
501.155 Contracts with Participants
501.160 Program Compliance
501.170 Evaluation and Outcomes
501.180 Victim Safety
501.190 Victim/Partner Contact
501.200 Client Records
501.210 Confidentiality
501.220 Reporting Violence
501.230 Referrals
501.240 Follow-up Services
501.250 Transferring Programs

501.260 Continuation of Services
501.270 Fee Structure
501.280 Ethical Requirements
501.290 Staff Competency
501.300 Supervision
501.310 Program Innovation

SUBPART C: GRANTS

Section
501.400 Availability of Grants
501.410 General Grant Eligibility Requirements
501.420 Evaluation of Grant Applications
501.430 Grant Awards
501.440 Grantee Accountability

501.APPENDIX A Attitudes and Behaviors Addressed in Group Activities

AUTHORITY: Implementing the Domestic Violence Act [750 ILCS 60], the Domestic Violence Shelters Act [20 ILCS 1310/3], the Code of Criminal Procedure [725 ILCS 5] and the Unified Code of Corrections [730 ILCS 5].

SOURCE: Adopted at 25 Ill. Reg. 6468, effective April 28, 2001; amended at 26 Ill. Reg. 9830, effective June 24, 2002; old Part repealed at 38 Ill. Reg. 22665 and new Part adopted at 38 Ill. Reg. 22667, effective November 19, 2014.

SUBPART A: GENERAL PROVISIONS

Section 501.10 Definitions

"Anger Management" – A cognitive restructuring program appropriate for perpetrators of stranger or non-intimate violence only. Violence is related to lack of control over anger or lack of coping skills and not an intentional strategy for gaining power and control over an intimate partner.

"DCFS" − The Illinois Department of Children and Family Services.

"Department" – The Illinois Department of Human Services.

"Domestic Violence Victim Services Program" – A program funded by the Department and established under the Illinois Domestic Violence Act of 1986 [750 ILCS 60].

"Facilitators" – persons who guide group discussions with, and/or present educational material to, participants of Partner Abuse Intervention Programs. Facilitators must be trained according to the guidelines indicated in this Part.

"Intimate Partner Violence" – Includes physical, sexual or psychological harm by a current or former partner (dating or cohabitation relationship) or spouse. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy.

"Intimate Partner Violence Risk Assessment" − The formal application of instruments to assess the likelihood that intimate partner violence will be repeated and escalated. The term is synonymous with dangerousness assessment and encompasses lethality assessment, the use of instruments specifically developed to identify potentially lethal situations.

"Participants" – Individuals who, because of partner abuse, have been convicted of crimes, those who could have been convicted of crimes had they been prosecuted, or those who could have been prosecuted had they been arrested, or whose conduct has not been criminal but who use tactics to exert power over, or to control, their intimate partner, such as, but not limited to, psychological, economic or sexual abuse. These individuals have been ordered by the court or DCFS, or referred by another entity such as a substance abuse or mental health agency, to attend Partner Abuse Intervention Programs or have voluntarily chosen to attend those programs.

"Partner Abuse Intervention Program" or "PAIP" – A program that works with participants to assist them in recognizing and understanding behaviors that lead to violence directed at their partners. The primary modality for intervention is a psycho-educational group. PAIPs can be part of private therapeutic practices or multi-service agencies or can be programs dedicated entirely to working with abusers.

"Partner Abuse Services Committee" or "PASC" – A committee of the Department's Domestic Abuse Advisory Council (see 89 Ill. Adm. Code

130.200(d)) that assists in creating the partner abuse intervention protocols used in this Part.

"Protocols" – A set of program guidelines developed by the Department and the PASC to direct the work of Partner Abuse Intervention Programs. This Part establishes the protocols as program requirements.

"Protocol Application" – An application a program must submit to the Department for determination of compliance with this Part.

"Protocol Approved PAIP" – PAIPs determined by the Department to be in compliance with the program requirements of this Part.

"Screening" – The initial process in determining whether an individual is appropriate for participation in a partner abuse intervention program. See Section 501.115 for specific requirements for screening.

"Victim of Domestic Violence" – A victim of violence from a family or household member, including spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship.

"Victim of Intimate Partner Violence" – An adult or a minor involved in a relationship of an intimate nature (dating or engagement relationship, cohabitation or marriage) against whom an individual has perpetrated intimate partner violence.

Section 501.20 Introduction

The Department utilizes protocols (see Appendix A) to direct the work of all DHS approved Partner Abuse Intervention Programs (PAIPs). This Part establishes those protocols and identifies specific requirements for programs that work with individuals who commit intimate partner violence. To be approved as compliant with this Part, PAIPs must comply with Subpart B. PAIPs work with individuals who, because of their abusive acts, have been convicted of crimes, those who could have been convicted of crimes had they been prosecuted, or those who could have been prosecuted had they been arrested. A list of PAIPs determined to be in

compliance with Subpart B is made available to the Illinois courts via the Internet (www.state.il.us/agency/dhs) and is updated semiannually. The Illinois courts may use this list to refer individuals to approved PAIP programs.

Section 501.30 Purpose and Principles

a) The purposes of this Part are:

1) To ensure the safety and rights of victims and their children;

2) To ensure that perpetrators are held accountable for their abusive behavior;

3) To reduce and prevent intimate partner violence through effective intervention programs;

4) To ensure perpetrators are appropriately screened and receive PAIP services that are effective and promote change;

5) To ensure that PAIPs make appropriate service recommendations to address issues identified by screening;

6) To ensure that current, appropriate intervention methods are used in PAIP programs;

7) To inform the public about the nature of services and program requirements of PAIPs; and

8) To encourage statewide communication and interaction among service providers and related agencies towards the goal of ending intimate partner violence.

b) The principles supporting PAIPs include:

1) The safety and rights of victims must be the highest priority of all who work with perpetrators of intimate partner violence.

2) The goal and purpose of a PAIP is strictly the cessation of intimate partner violence, not the saving or ending of relationships.

3) Violence, abuse and controlling behavior can never be condoned under any circumstances.

4) Perpetrators of intimate partner violence are a separate category of offenders requiring a specialized approach. If they are guilty of other offenses, their intimate partner violence must be addressed separately.

5) Perpetrators are capable of making nonviolent, nonabusive and noncontrolling behavioral choices.

6) Perpetrators must be held fully accountable for the emotional, social and economic costs of their violent, abusive and controlling behavior, including sanctions at both the criminal justice and community levels.

7) PAIPs must provide separate services for male, female and same-sex offenders to ensure safety and the use of appropriate interventions.

8) PAIPs support community efforts that enable partner abuse victims to leave abusive relationships.

9) The traumatic impact incurred by victims of intimate partner violence, as well as the risk of further harm to those victims, must always be of utmost consideration when making PAIP program decisions.

10) PAIPs must respect the rights and individuality of all participants, including not discriminating on the basis of race, color, religion, gender, national origin, ancestry, age, physical or mental disabilities, sexual orientation, or economic circumstances.

11) PAIPs must remain current in following evidence-based practices that are based on current knowledge regarding the causes, dynamics and cessation of intimate partner violence.

12) PAIPs must strive to reflect the cultural diversity of the communities they serve in both program content and staffing patterns.

Section 501.40 Protocol Application Process

a) Protocol applications from PAIPs seeking approval must be submitted to the Department. The Department will publish lists of approved PAIPs via the Internet (www.state.il.us/agency/dhs) semiannually. The Department will notify listed programs of renewal dates and procedures.

b) All protocol applications will be reviewed by the Department and the PASC of the Department's Domestic Violence Advisory Council. Committee members will make recommendations to the Department regarding the PAIP's compliance status, but the Department will make the final decision regarding approval.

c) Each PAIP that submits a completed, signed protocol application will be notified, in writing, of the Department's disposition. Should the application not satisfactorily meet the Department's expectations, the Department will outline areas of non-compliance in the denial letter.

d) PAIP applicants that are denied may resubmit the application once identified noncompliance areas have been addressed.

Section 501.50 Appeal Grievance Procedures

Should a PAIP wish to appeal the decision made by the Department, the PAIP must submit a written grievance to the Department within 30 calendar days after the denial of the application or removal from the protocol approved list. The Department, upon receipt of the written grievance, will respond within 45 calendar days. The decision of the Department will be final. This process is not subject to the Administrative Review Law [735 ILCS 5/Art. III].

Section 501.60 Case-by-Case Resolution

Each grievance will be considered and resolved based on materials submitted by the grievant. Disposition of a grievance, whether through the granting of requested relief or otherwise, shall not constitute a precedent on which any other grievant should rely.

Section 501.70 Monitoring and Technical Assistance

a) The Department will monitor and provide technical assistance to PAIPs to ensure the programs' continued compliance with this Part. To remain protocol approved, programs must:

1) cooperate with the Department's technical assistance and monitoring process that may include desk reviews, site visits, service reports and other measures designed to assess adherence to protocols;

2) notify the Department of program and staff changes within 30 days after the change; and

3) develop written policies and procedures that address all Sections in Subpart B to support protocol compliance.

b) PAIPs found not to be in compliance with the State program requirements will be required to submit a corrective action plan for approval and implement the approved plan to remain on the DHS protocol approved list. A PAIP removed from the DHS protocol list due to noncompliance with the program requirements may appeal the decision as outlined in Section 501.50. Any exception to the program requirements must be reviewed and approved by the Department and the PASC.

SUBPART B: PROGRAM REQUIREMENTS

Section 501.80 Design

PAIPs must be designed to address violent and abusive behavior in the context of the program requirements set forth in this Subpart. The program design, implementation and staff competency must take into account the specific needs of the population served and the communities where services are delivered, and program staff are to be knowledgeable of both issues.

Section 501.90 Educational Component

a) Format and Structure
PAIP staff shall conduct in-person psycho-educational based groups that work with participants to assist them in recognizing and understanding their beliefs and behaviors that lead to violence toward their intimate partners. Group format must include informational presentations, opportunities for application of skills, such as role-playing and homework assignments, and assessment of participant progress. Participants must attend no fewer than 24 sessions, conducted weekly, for a minimum of 36 hours of direct program contact that does not include intake/screening. Up to 4 individual sessions may be included, but all remaining

hours must be group work unless individual circumstances or insufficient numbers contraindicate group involvement. Rationale for exceeding the four individual sessions must be documented and available for review.

b) Content
Educational content must be consistently and directly tied to intimate partner violence. General concepts or skill-building without a connection to intimate partner violence are not appropriate. Educational content includes lecture materials, group activities, homework assignments and media resources.

1) PAIPs must educate participants about the causes, forms and effects of intimate partner violence. Emphasis on learning to respect the partner's preferences with regard to intimate activities and respect for the gender of the partner, non-physical forms of violence, intentionality of violence, and impact on children must be included.

2) PAIPs must provide participants with skills for handling conflict that promote safety.

3) PAIPs must promote attitudes that are associated with non-abusive behavior and challenge attitudes that are associated with abusive intimate partner behavior.

4) PAIPs must contain components that assist participants to develop skills for nonabusive behavior and equal partnerships. These components include, but are not limited to:

A) Recognition and identification of abusive behaviors;

B) Non-abusive and respectful conflict resolution;

C) Assertive, non-aggressive communication;

D) Achievement and maintenance of healthy and nonabusive intimate relationships;

E) Achievement and maintenance of healthy and nonabusive parenting;

F) Understanding the impact on children of witnessing intimate partner violence, including developmental and emotional effects; and

G) Understanding the use of children as part of manipulation or coercion against partners.

c) Inappropriate Intervention Models

1) The following models are inappropriate for use as partner abuse intervention and are not permitted:

A) Models that include or allow couples and family counseling and therapy.

B) Models that require the victim to attend counseling as a condition of service for the participant.

C) Models that deny a participant's personal responsibility for violence, abuse and controlling behavior. Perpetrators are responsible for their violent, abusive and controlling behavior. Abuse is not caused by factors such as stressors or alcohol or drug use, or by the victim.

D) Models that encourage the expression of rage.

E) Anger management techniques that place primary causality on anger and/or are the sole intervention rather than one part of a comprehensive approach.

F) Approaches that identify and treat intimate partner violence as an addiction or mental illness and the victim as enabling or co-dependent in the violence.

G) Theories or techniques that identify poor impulse control as the primary cause of the violence.

H) Pastoral counseling.

I) Models that fail to approach substance abuse and partner abuse as separate issues. Protocol approved programs must approach these two issues as separate and distinct disciplines that involve separate accountability.

2) If a PAIP program works within an agency that also offers anger management classes and/or family/marriage programs, the PAIP staff must work with these programs to establish policies and procedures that include screening for intimate partner violence and referral to appropriate intervention services. This separation of services and application of appropriate intervention will be addressed as a part of the Department's monitoring and technical assistance.

d) Facilitator Teams and Group Composition

1) Groups must be conducted by two facilitators.

2) Former perpetrators of intimate partner violence may co-facilitate after being abuse-free for a minimum of five years, but only with another facilitator who has no history of violence perpetration in his or her own life. Verification of current nonviolence must be obtained in such a way that any partner or former partner of the facilitator does not have his or her safety compromised. Programs must keep this verification on file.

3) Group participants must all be of the same gender.

4) The group composition (age, size, gender and sexual orientation) must be appropriate to the intervention strategies. Group size must not exceed 15 participants.

5) Co-facilitation team composition shall mirror the intimate partner relationship of participants.

6) Co-facilitation team composition shall mirror the race, ethnicity and cultural considerations of the population served. At a minimum, the staffing team must be culturally competent.

e) Compliance with this Section will be assessed by the Department through the monitoring and technical assistance outlined in Section 501.70. Documentation of

compliance with this Section must be contained in PAIP files and available for review.

Section 501.105 Service Coordination

PAIP services must work closely with other entities to fully address intimate partner violence. Coordination of services is essential to abuser accountability and victim safety.

a) PAIPs are responsible for reaching out to domestic violence victim service programs to establish and maintain cooperative working relationships in order to establish accountability for perpetrators and ensure safety for victims. The cooperative relationships shall incorporate one or more of the following activities:

1) Solicit and consider domestic violence victim services programs' input and direction on PAIP programmatic decisions.

2) With the assistance of domestic violence victim service programs, develop policies governing PAIPs that are in addition to the program requirements of this Subpart.

3) Develop a process for responding to the victim's use of violence and engagement in appropriate services.

4) Hold periodic meetings with domestic violence victim service programs to discuss mutual problems and concerns such as monitoring, influencing the criminal justice system, safety issues and programmatic changes.

5) The two programs will provide feedback on each other's program and community issues.

6) Invite domestic violence victim service program staff to ongoing case review meetings for consultation, subject to the limitations of Section 501.210.

7) Invite a representative of the domestic violence victim service program to serve on the PAIP's Board of Directors or Advisory Board.

8) Facilitate group sessions at a victim services agency to educate victims about abuser services and importance of abuser accountability.

9) Participate in cross-training of staff with the domestic violence victim service program.

10) Contribute to public awareness of the seriousness of intimate partner violence and coordinate public education and other prevention efforts with domestic violence victim services. Appropriate activities include health fairs, marches, educational materials and community presentations.

b) PAIPs must work closely with the criminal justice and child welfare systems to develop procedures for ensuring that abusers receive appropriate services and victim safety is not compromised. This collaborative initiative includes:

1) Law enforcement;

2) Prosecution;

3) Judiciary and probation;

4) Correctional facilities or parole;

5) Public defenders and local defense bar association; and/or

6) Child protective service agencies.

c) PAIPs must also collaborate with other individuals and agencies addressing other abuser service needs, such as:

1) Substance abuse treatment providers;

2) Mental health agencies;

3) Medical personnel;

4) Public health agencies;

5) Any other agency involved in the delivery of services to participants, victims and other children;

6) Agencies who provide services to LGBT individuals;

7) Other community service organizations; and/or

8) State and local coalitions, such as the Illinois Coalition Against Domestic Violence (ICADV), Family Violence Coordinating Councils and community task forces.

d) Reasons for failure to maintain compliance with this Section must be documented in program records.

Section 501.115 Intake Process/Intake Screening and Key Documents

a) The screening process is key to providing effective partner abuse services.

1) PAIP participants must be individuals who are perpetrators of intimate partner violence. Individuals who are generally violent, have perpetrated violence against someone other than an intimate partner, or are victims of domestic abuse are not eligible for services within a PAIP.

2) An individual, face-to-face screening is the method used to ensure that participants meet the eligibility requirements.

3) Intake must determine whether an individual can appropriately participate in and benefit from PAIP services.

4) The screening provides the opportunity to gain a picture of the person's pattern of behavior within intimate relationships, rather than solely focusing on the precipitating incident that led to referral for PAIP services.

5) The screening also allows program personnel to identify other issues that may need to be addressed, such as substance abuse and mental illness. An assessment, or clinical methods that lead to a clinical diagnosis, and treatment recommendations are typically beyond the scope of PAIPs.

b) At intake, a screening of the participant must be conducted and documented, and must include, but not be limited to, the following:

1) Obtaining general identification and demographic data:

A) Date of screening;

B) Age;

C) Race/ethnicity;

D) Address;

E) Telephone number;

F) Marital status;

G) Number of children;

H) Educational level;

I) Employment;

J) Income; and

K) History of military service/law enforcement.

2) Obtaining information from various sources related to referral source, reason for referral, and PAIP determination on appropriateness of referral:

A) Source of referral;

B) Charge type;

C) Description of offense related to referral;

D) Abuser's relationship to victim and current living status;

E) If repeating the program, number of times;

F) If refused, reason for refusal;

G) If services are inappropriate, reason for referral to other services and type of referral; and

H) If offender previously participated in PAIP services, assessment, progress reports, reason for discharge and any other information relevant to determining eligibility for PAIP.

3) Obtaining information regarding criminal history and pending court actions that must include, unless otherwise noted in the record:

A) Record of legal status (convictions, court dates, etc.);

B) Arrest records;

C) Police reports;

D) Repeat offenses and dispositions, by category of offense; and/or

E) Copies of court orders, orders of protection and any other legal documents.

4) Obtaining from the participant a descriptive history of both perpetration and experience of violence in intimate partner relationships and details of the precipitating incident. Intimate partner relationship history and precipitating incident must be considered in determining appropriateness for PAIP services.

A) Assessing for issues of current or prior intimate partner violence perpetration by obtaining a detailed history of intimate relationships.

B) Assessing for issues of current or prior intimate partner violence by exploring areas of fear and lack of autonomy.

C) Identifying the primary aggressor of the relationship and referring victims to victim services.

5) Obtaining from the participant information about other abusive behaviors outside the intimate partner relationship, with special attention given to

possible incidents of child or elder abuse or neglect by the participant. PAIPs must coordinate with DCFS or Department on Aging contacts, if applicable.

6) Assessing the degree of current risk to the victim or others, which may include components of a lethality screening and/or gathering directly from the victim information about the participant's use of violence and other abusive behaviors, provided contact with the victim can be done safely.

7) Obtaining background information on the violence used in the participant's family of origin, which includes witnessing of intimate partner violence, as well as being a victim of child abuse and neglect.

8) Screening to identify possible medical conditions, determination of impact on ability to benefit from PAIP services, and need for referral to appropriate services.

9) Screening to identify possible mental health issues, determination of impact on ability to benefit from PAIP services, and referral to appropriate services.

10) Screening to identify a possible substance abuse issue, determination of impact on ability to benefit from PAIP services, and referral to appropriate services.

11) Participant's file must also contain the following:

A) The intake screening document;

B) Referrals to other agencies and the purpose for the referral (with written consent to release information);

C) Signed PAIP participation contract;

D) Date of program start;

E) Attendance records;

F) Record of payment;

G) Case notes;

H) Date of completion and/or reason for termination; and

I) Correspondence with referral source and other service providers and related final report.

Section 501.125 Exclusion Criteria

The scope of PAIPs is intimate partner violence.

a) Individuals who are screened and not found to have a history of violence against an intimate partner must not be included in the program.

b) PAIP services are not appropriate for individuals who:

1) are generally violent, violent toward other family members but not intimate partners (elder abuse, child abuse); or

2) engage in violent activity outside an intimate relationship exclusively, i.e., gang initiated violence.

c) The precipitating incident (i.e., the situation that led to arrest or mandated referral) may generate from a nonintimate partner violence situation; however, if the intake screening identifies the individual as having a history of intimate partner violence, the person is appropriate for the PAIP if all other eligibility criteria are met.

d) If the screening does not indicate a pattern of power and control in intimate relationships, the referring entity must be notified that partner abuse intervention services are not appropriate.

1) PAIPS must make a determination of whether an individual can benefit from the services at the initial screening. This determination can be revised subsequently, based on additional information. Individuals who cannot benefit from the services must be referred for appropriate treatment. This would not preclude them from re-entering the PAIP when they meet the criteria.

2) PAIPs must exclude individuals who would disrupt the group.

3) Participants identified through intake as victims of intimate partner violence must be referred to a victim services program, and the referral must be conducted in a way that will not result in victimization of the participant.

Section 501.135 Substance Abuse

a) If the initial intake screening or subsequent evidence indicates possible drug and/or alcohol abuse, a referral to a substance treatment program must be initiated and/or the referring entity must be notified of the recommendation.

b) If treatment is deemed appropriate by the addictions professional, substance abuse services may be delivered either prior to, or in conjunction with, and separate from, the PAIP.

c) Participants who refuse substance abuse treatment or are placed on a waiting list must not be refused service by the PAIP, unless substance use impairs a participant's ability to benefit from PAIP services. In this case, PAIPs must refer the participant to the referral source with specific treatment recommendations and criteria for re-entry into PAIP.

Section 501.145 Abuse and Neglect of Children and Other Family Members

If the intake assessment or subsequent contact reveals the possibility or actuality of child abuse or neglect, the PAIP must report it to DCFS (1-800-252-2873). The PAIP must refer suspected cases of elder abuse, neglect and financial exploitation to the Department on Aging's Elder Abuse and Neglect Program (1-866-800-1409).

Section 501.155 Contracts with Participants

PAIPs must establish an initial contract with the participant that clearly spells out the obligations of the individual to the program and consequences for violations. At a minimum, attendance and participation levels, behavioral expectations such as no recent evidence of threats or violent behavior, and fee must be included in the participant contract. Reporting violence, as described in Section 501.220, must be included in the contract. PAIPs must communicate any concerns

about participant compliance with the contract to the participant and the referring entity in a timely manner.

Section 501.160 Program Compliance

a) PAIPs must develop program requirements that participants must meet in order to complete the program. These program requirements must include, at a minimum:

1) Fulfillment of all contractual requirements;

2) Admission of and accountability for abuse and violent and controlling behavior, taking responsibility for the participant's own behavior, and understanding of contributing factors;

3) Demonstration of understanding of alternatives to abusive behavior and reporting the use of those alternatives;

4) Demonstration of use of respectful language regarding a partner and understanding of benefits of egalitarian relationships;

5) Demonstration of violence prevention action planning that addresses such issues as identification of risky beliefs, healthy behaviors and support systems;

6) No current evidence of threats or acts of physical violence; and

7) Completion of any other PAIP requirements (i.e., substance abuse and/or mental health evaluations and treatment, etc.).

b) Extending time in the program is allowable and advisable if the participant has not met the criteria in subsection (a). Program staff must document in the individual's file the lack of progress and communicate that information to the referring entity. PAIPs must make decisions about extending time early in the program and share concerns about lack of progress with participants in a timely manner.

c) Completion of the program does not guarantee that the abuser has ended abusive behavior in the present or will abstain from abusive behavior in the future.

Evidence of attitude/belief and behavior change indicated in the group may not always translate to behavior change in the relationship with a partner.

Section 501.170 Evaluation and Outcomes

PAIPs must collect data and measure outcomes to determine the effectiveness of the program. The Department will notify PAIPs of the standardized outcomes and required reporting process. PAIPs must develop and implement a written plan for evaluating their program effectiveness. The plan must address data collection and analysis and demonstrate how information will be used for program improvement. PAIPs must aggregate and keep the following data in a statistical data base:

a) Number of referrals and related referral source;

b) Number of intake screenings completed;

c) Number of participants refused entry, by reason;

d) Number of new and ongoing participants;

e) Number of participants terminated from the program;

f) Number of participants completing the program;

g) Number of participants re-arrested during program, by category of offense;

h) Number of participants referred to other resources, by category of referral;

i) Number of service hours provided;

j) Number of reports made of child and elder abuse; and

k) Participant demographics:

1) education level;

2) age;

3) race;

4) employment;

5) victim's relationship to participant;

6) relationship status; and

7) number of children.

Section 501.180 Victim Safety

a) PAIPs' policies and procedures must reflect priority for the safety and autonomy of victims and their children in every aspect of the PAIP program, including intake forms, court reporting, victim contact, etc. When PAIPs address issues other than abuse, they must do so with full recognition of safety issues for the victim and the possible negative effects of that information, such as further acts of violence, confusion about responsibility for violent behavior, and confidentiality. When PAIP participants are referred to other resources for any form of counseling, PAIP staff must collaborate with the providers of those services subject to Section 501.210.

b) PAIPs are expected to be knowledgeable of and skilled at victim safety planning. When possible and appropriate, safety planning must be conducted during contacts with victims.

c) In addition to safety planning, PAIPs must offer referrals to domestic violence victim services programs.

Section 501.190 Victim/Partner Contact

All programs must expect and have procedures in place to respond to contacts initiated by the victim or current partner. Procedures must be developed with victim safety as a priority. Issues such as who should be contacted, purpose of the contact, and documentation must be addressed in the policy. PAIPs that choose to make victim contact must adhere to the following requirements:

a) Determine if the victim is safe, discuss safety planning and orders of protection, and link the victim to a domestic violence victim services program, if the victim desires.

b) Contacts with the participant's current partner, or an ex-partner with whom the participant has an ongoing relationship, must be the priority for PAIPs that include victim contact as a part of their programs. Other ex-partners who have been abused or current partners may also be contacted, subject to Section 501.210.

c) PAIPs must inform victims about the nature of the PAIP, participants' attendance at the PAIP, any threats made by participants, and participants' progress or lack of progress. This information may be given through:

1) Orientation sessions;

2) Telephone contacts; and/or

3) Mailing of written materials explaining the PAIP.

d) Written or verbal reports of the partner's or victim's calls, comments, or input must not be included in any participant's file. This includes reports and notes generated by the program, reports and notes not generated by the program, and documents hand carried by the participant. The information is potentially very dangerous for the victim's safety and must be kept separate.

Section 501.200 Client Records

PAIPs shall establish and maintain client files on all participants. PAIPs shall establish policies and procedures that promote client confidentiality and comply with relevant State and federal laws. Client records shall be:

a) retained for a period of not less than six years from the date of service, except that if an audit/review is initiated within the required retention period, the records shall be retained until the review is completed; and

b) made available to the Department as required for desk reviews, audits or other monitoring purposes.

Section 501.210 Confidentiality

Confidentiality must be strictly adhered to for the safety of the victim, as well as to promote accountability for the abuser. PAIPs are expected to be knowledgeable of all applicable confidentiality laws, such as the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], that impact the delivery of PAIP services as well as impact referrals to other social services agencies. To promote abuser accountability and facilitate communication with referring bodies, releases of information are needed from participants. In addition to the MH/DD Confidentiality Act, the following guidelines shall be followed:

a) During intake, PAIPs shall explain to participants that communication is confidential, but that the law provides for exceptions, such as reporting child abuse, elder abuse and indications of suicide or intent to harm. PAIPs shall provide an explanation of the release of information forms, their purpose, and whether participant's consent is strictly voluntary or required for participation in the program.

b) PAIPs may ask participants to sign a release of information to allow the PAIP to provide access to information, as needed, to any persons or agencies to which the PAIP would need to report compliance or subsequent or threatened abuse, screening information or related ongoing data to plan for proper intervention, and/or to collaborate on an ongoing basis on an intervention plan. The appropriate signed releases and documentation must be obtained and kept on file.

Section 501.220 Reporting Violence

a) PAIPs and facilitators must immediately report additional violence or threats of violence perpetrated or revealed by any participant to appropriate authorities in the criminal justice system, with the two following exceptions (unless duty to warn applies (see 740 ILCS 110/11(ii))):

1) If the report originates with the victim, the victim's consent must be obtained before reporting to authorities or confronting the participant with the information.

2) Reports of violence received from a third party (e.g., family or friend) may be reported to authorities unless, if to do so, would place the reporter or victim in jeopardy of further abuse or violence.

b) Facilitators must make every reasonable effort to notify the victim prior to making a report to authorities and must document those efforts. All reports of further

violence must be documented in a manner that protects the confidentiality of victims and reporters. PAIPs must notify participants of this process in their contracts.

c) PAIPs must immediately report a participant's threat to do harm or kill to the appropriate authorities.

1) If the threat is made about the victim or children, the victim must be notified.

2) If the threat is made about someone other than the victim or children, the PAIP:

A) shall inform the appropriate law enforcement agency; and

B) must assess whether there is potential risk to the victim and/or children and notify the victim if safety is compromised.

d) PAIPs must notify the appropriate authorities if there is knowledge of or disclosure of victim contact when there is an order of protection in place.

Section 501.230 Referrals

a) PAIPs must develop procedures for accepting and rejecting referrals. Those procedures must be developed in conjunction with the referral system and must include reasons for rejection of referrals and recommendations for alternative sanctions.

b) PAIPs must establish policies and procedures for reporting noncompliance with program rules and violations of orders of protection to the referral system that may include, but not limited to, attendance, level of participation, contact with victim, use of substances, lack of accountability, and identified needs and subsequent referrals.

c) PAIPs must advocate for the victim who is referred for PAIP services and recommend referral to victim services.

d) For those individuals who are referred for nonpartner violence, PAIPs must conduct a screening to determine if there is a pattern of intimate partner violence,

i.e., abusive, controlling and/or violent behavior within an intimate partner relationship. If there is no history of intimate partner violence, PAIPs must refer back to the referral entity and make the appropriate referral recommendation.

e) PAIPs must refer victims who have acted in self-defense or whose arrest was based on a control tactic of the partner to victim services. Referral arrangements will need to be made with local victim service agencies. Care should be taken to avoid re-victimizing this group. PAIPs must notify the referring agency that a referral to victim services has been made.

Section 501.240 Follow-up Services

PAIPs may create and/or support options for continued services for individuals who have successfully completed their initial, required PAIP contract. Continued services may allow individuals to continue in regular or ongoing groups. The rationale for follow-up services is:

a) To provide access to further service;

b) To continue monitoring and offer support services;

c) To refer individuals to other services that are consistent with this Part; and

d) To recognize that a commitment to non-abusive behavior is lifelong.

Section 501.250 Transferring Programs

It is allowable for PAIP program participants to transfer from one Illinois protocol approved PAIP to another. Circumstances such as a job transfer or going back to school may require an individual to relocate and transfer between programs. The PAIP that is receiving the transfer must ask the person to sign a release of information that will be submitted to the former PAIP and coordinate services whenever possible. Gathering previous intake data and program participation information will promote continuity and improve service delivery. It is not necessary for participants to start the program over as all Illinois protocol compliant PAIPs are following the same requirements; however, some participants may need additional group sessions to meet program requirements in this Part. For out-of-state transfers, the receiving program must ask the participant to sign a release of information. Once signed, the PAIP must contact the former program to gather program and participant information to determine the appropriate length of services.

Section 501.260 Continuation of Services

Each PAIP shall develop a plan for continuation of services in the event of temporary suspension of services or closure of a PAIP. This plan must address alternate locations for services, cooperative agreements with other PAIP providers to ensure continuity of care for participants, and a plan/protocol that has been shared with the appropriate primary referral sources.

Section 501.270 Fee Structure

PAIPs must establish a fee policy. Compliance with this Section will be assessed by the Department through the monitoring and technical assistance outlined in Section 501.70.

Section 501.280 Ethical Requirements

a) PAIP staff must not be perpetrators of abusive behavior, except as authorized by Section 501.90(d)(2).

b) PAIP staff must consistently act and communicate in ways that promote egalitarianism and non-abusive and respectful relationships.

c) PAIPs and their personnel must meet the certification/licensing standards that may be required of the professional groups with which they are affiliated. Compliance with this Section may be monitored during the quality review process outlined in Section 501.70.

Section 501.290 Staff Competency

a) PAIP staff must be competent in general communication skills and those specific skills required to challenge and facilitate change in attitudes, beliefs and behaviors. They must have a general knowledge of human behavior and specific knowledge about intimate partner violence, and they must have attitudes and behavior consistent with this Part.

b) All PAIP direct service staff and supervisors must have completed 40 hours of training consistent with the requirements of the Illinois Domestic Violence Act [750 ILCS 60], and an additional 20 hours of Department approved training in abuser services. Facilitators who are unable to complete the Department approved 20 hour training within the first three months of employment must submit a training plan to the Department for approval. The 20 hours must consist

of formal training or conference attendance in abuser intervention and/or experience in facilitating partner abuse intervention groups. In order for experience to count as part of the training plan, it must be gained through a protocol approved PAIP and under the direction of a supervisor meeting the protocol requirements. The training must be documented and sent to the Department within 30 days after completion.

c) All PAIP staff must receive ongoing training as a part of their professional development. At a minimum, six hours of continuing education that supports the work of intimate partner violence services must be obtained annually. Continuing education hours shall:

1) Be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by a continuing education sponsor approved by the Department. Those programs shall contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of PAIP staff;

2) Foster the enhancement of general or specialized work in the practice of partner abuse intervention;

3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and

4) Specify the course objectives, course content and teaching methods to be used.

Section 501.300 Supervision

PAIPs must have written personnel policies and procedures. Supervision of PAIP facilitators must be provided by an individual who meets the required 40-hour training standard and include structured supervisions of facilitators. Immediate supervisors must have sufficient training and experience to provide oversight of quality and effectiveness of service provision. At a minimum, supervisors will observe facilitators conducting group sessions every six months. Supervision can be provided by a staff person, victim service agency, or another PAIP that has been approved under this Part. Documentation of compliance with this Section must be contained in personnel files and available for review by the Department. Compliance with this Section will be assessed by the Department through the monitoring and technical assistance outlined in Section 501.70.

Section 501.310 Program Innovation

a) The development of effective intimate partner violence intervention programs is an evolving process. If a PAIP decides to develop a new program that initiates or incorporates a new approach, it may be considered for approval under the following conditions:

1) Submission of a written plan and/or curriculum;

2) Documentation of reasons for the different approach;

3) Acceptance of additional monitoring;

4) Acceptance of a time limit that includes the opportunity for evaluation;

5) Submission of a process for evaluating the efficacy of the approach;

6) Adherence to the principles of this Part; and

7) Utilization of a practice or model that is evidence based.

b) All applications for program innovation will be reviewed by the Department and the PASC. The PASC will make recommendations to the Department regarding approval of the PAIP's program model, but the Department will make the final decision regarding approval.

SUBPART C: GRANTS

Section 501.400 Availability of Grants

a) Funds are granted by the Department to local agencies for the purpose of providing services to participants.

b) These funds are awarded based on an open, competitive bid process set forth in this Subpart C. A Request for Proposal (RFP) will be issued by the Department and made available via the Department's website. Additionally, known providers and all interested parties will be notified of its availability in writing, and directed to the Department's website (www.state.il.us/agency/dhs). Written notice will also

include the name and address of a Department contact person from whom potential applicants may request a hard copy of the RFP.

c) An RFP may require that the following information be submitted to the Department by local agency applicants, in the format specified in the RFP:

1) The project's proposed activities and services to participants.

2) The applicant's, PAIP's and their staffs' qualifications to provide the planned activities and services.

3) A project budget.

4) A budget justification.

5) Other information deemed necessary by the Department.

Section 501.410 General Grant Eligibility Requirements

a) Confidentiality
All information, records and documents concerning persons served must remain confidential and be protected by the grantee from unauthorized disclosure. Except as may be required by State or federal law, regulation or order, the grantee must agree not to release any information concerning participants without the participant's written consent. Information disclosed must be limited to that necessary for the proper delivery of services to the participant under the terms of the grant agreement.

b) Discrimination Prohibited
Individual participants are determined eligible for services through an intake and assessment process performed by the PAIP in accordance with Section 501.115. Grantees shall provide services to eligible participants without regard to race, gender, sexual orientation, age, ethnicity, color, religion, disability and national origin/ancestry. Participants cannot be required to become members of, or participate in, any organization, religion, political group, or community service program as a condition of receiving service.

Section 501.420 Evaluation of Grant Applications

a) The Department will evaluate:

1) The adequacy of the application submitted (i.e., its compliance with the requirements of this Subpart C and the RFP).

2) The project's proposed activities and services to participants.

3) The applicant's, PAIP's and their staffs' qualifications to provide the planned activities and services.

4) The soundness of the project budget.

5) The adequacy of the project justification.

6) The capacity of the applicant organization to carry out the project.

7) Other reasonable criteria deemed necessary as set forth in the RFP.

b) Application Adequacy

1) Grant applications must be submitted in the format prescribed by the Department.

2) Based on the application submitted and further information requested by the Department, grant applications will be deemed adequate or inadequate for grant funding. All adequate applications will be eligible for a grant award.

c) Department Reservations
The Department reserves the right to:

1) Reject applications that are incomplete.

2) Reject any applications, after evaluation, based on the evaluation standards in subsection (a).

3) Award grants for an amount less than that requested.

4) Negotiate awards after the application process.

5) Grant awards to projects deemed most favorable to the interest of the State. Examples of factors that would be in the best interest of the State include, but are not limited to, established collaboratives and/or strong working relationships within the community; existence of police records on domestic violence within the community; and data on the incidence of domestic violence in the community.

Section 501.430 Grant Awards

a) The Department will determine the amount of each grant to be awarded and announce those awards. The amount of the grant will be based upon such factors as, but not limited to, population distribution; number of clients to be served; amount of available funds; community need; and the local agency's budget proposal and narrative budget justification.

b) Awarding of funds will be based upon the amount of appropriation made available by the General Assembly and/or federal award.

Section 501.440 Grantee Accountability

a) Grant Agreement
Grant recipients shall enter into a grant agreement with the Department expressing the grantee's assent to abide by the provisions of this Part, other Department rules, and any applicable State and federal statutes and regulations.

b) Reports and Audits

1) General Requirements
Grantees shall abide by the financial reporting and record keeping, audit standards and grant requirements of the Department outlined at 89 Ill. Adm. Code 507, 509 and 511.

2) Quarterly Reports
Actual expenditures for the purchase of goods and services shall be documented quarterly using the Department's Summary Expenditure Documentation Form.

Section 501.APPENDIX A Attitudes and Behaviors Addressed in Group Activities

The belief that men are superior to women and have the right to dominate them may be a principal contributor to partner abuse.

a) Group activities shall focus on the following attitudes and behaviors:

1) Belief in egalitarian partnership;

2) Respect for equal rights;

3) Awareness that abuse is an intentional strategy designed to exert power and control over intimate partners;

4) Identification and appropriate expression of a full range of emotions;

5) Awareness of the financial costs on families and society (police, employers, courts) of intimate partner violence;

6) Empathy for the victim's experience;

7) Understanding the negative effects of the abuse on victims, children, abusers, the community and society as a whole;

8) Encouraging examination of life experiences and belief systems (e.g., family, community and culture) that have fostered choices for abusive behavior;

9) Nonabusive beliefs and choices; and

10) Acknowledgement and consideration of others' needs that are independent of abusers' needs.

b) Group activities shall challenge, among others, the following attitudes:

1) Justification of violence, such as revenge, retaliation, etc.;

2) Normalization of the violence;

3) Right/need to exert power and control over intimate partners;

4) Self-centered thinking;

5) Substance abuse and past victimization cause violent behavior;

6) Rigid sex-role stereotypes;

7) Aggression as a conflict resolution tool; and

8) Oppressive beliefs systems (e.g., sexism, racism, bias based on sexual orientation) that result in violent behavior.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Rules of Practice

2) Code Citation: 83 Ill. Adm. Code 200

3)

Section Numbers:	Adopted Action:
200.90	Amendment
200.100	Amendment

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101]

5) Effective Date of Rule: November 21, 2014

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 rule, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: February 7, 2014; 38 Ill. Reg. 3416

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

11) Differences between Proposal and Final Version: No substantive changes have been made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The amendments made by this rulemaking incorporate the changes made by the Illinois Supreme Court to its Rule 707, Permission for an Out-of-State Attorney to Provide Legal Services in Proceedings in Illinois, effective July 1, 2013. In amending Rule 707, the Supreme Court revised the requirements that attorneys who are licensed in foreign jurisdictions but not in Illinois must meet in order to practice before Illinois courts and other tribunals, including administrative agencies such as the ICC. The amendments made by this rulemaking reflect the changes to Supreme Court Rule 707.

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

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200
RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section
200.10 Procedure Governed
200.20 Construction of This Part
200.25 Standards for Discretion
200.30 Deviation from This Part
200.40 Definitions
200.50 Office
200.60 Open Meetings
200.70 Submission of Paper Documents
200.80 Computation of Time
200.90 Appearances
200.95 Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section
200.100 Contents of Pleadings and Documents
200.110 Forms of Pleadings and Documents
200.120 Copies of Pleadings
200.130 Signature and Verification
200.140 Amendments
200.150 Service
200.160 Informal Complaints
200.170 Formal Complaints
200.180 Answers
200.185 Satisfaction of Complaint
200.190 Motions
200.200 Intervention
200.210 Petition for Rulemaking

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

200.220 Declaratory Rulings

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section
200.300 Prehearing Conferences
200.310 Other Prehearing Submissions
200.320 Facts Disclosed Privileged
200.330 Recordation and Order
200.335 Application of Discovery Rules Contained in Sections 200.340 through 200.430
200.340 Policy on Discovery
200.345 Discovery by Staff Witnesses
200.350 Reasonable Attempts to Resolve Differences Required
200.360 Depositions and Other Discovery Procedures
200.370 Supervision of Discovery
200.380 Subpoenas
200.390 Motion to Quash Subpoena
200.400 Service and Fees Payable
200.410 Time Limits on Discovery
200.420 Failure to Comply With a Discovery Order or a Subpoena
200.430 Protective Orders

SUBPART D: HEARING PROCEDURE

Section
200.500 Authority of Hearing Examiner
200.505 Recessing Hearing For Conference or Discussion
200.510 Disqualification of Hearing Examiner
200.520 Interlocutory Review of Hearing Examiner's Ruling
200.525 Paper Hearings
200.530 Notice, Time and Place of Hearings
200.540 Recording Appearances at Hearings
200.550 Failure to Appear or to Exercise Diligence in Proceeding
200.560 Continuances
200.570 Order of Procedure and Receiving Evidence
200.580 Transcripts
200.590 Conduct at Hearings
200.600 Consolidation and Severance
200.605 Procedure for the Identification and Treatment in Hearings of Confidential or

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

	Proprietary Information or a Trade Secret
200.610	Evidence
200.615	Waiver of Cross-examination
200.620	Testimony to be Under Oath or Affirmation
200.625	Examination of Adverse Party or Agent
200.630	Stipulation of Facts
200.640	Administrative Notice
200.650	Records of Other Proceedings
200.660	Prepared Testimony
200.670	Exhibits
200.680	Objections
200.690	Offer of Proof
200.700	Record in Commission Proceedings
200.710	Ex Parte Communications

SUBPART E: POST-HEARING PROCEDURE

Section	
200.800	Briefs
200.810	Draft Orders
200.820	Hearing Examiner's Recommended or Proposed Order
200.830	Exceptions; Reply
200.840	Filing of Briefs
200.850	Oral Argument
200.860	Commission Order
200.870	Additional Hearings
200.875	Post-Record Data
200.880	Rehearing
200.890	Appeals
200.900	Reopening on Motion of the Commission

SUBPART F: ELECTRONIC FILING

Section	
200.1000	Overview of Electronic Filing
200.1010	Acceptable Formats
200.1020	e-Docket Accounts
200.1030	Control Processes
200.1040	Submission of Electronic Documents

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

200.1045 Electronic Documents Accepted by the Commission
200.1050 Service by Electronic Means
200.1060 Electronic Documents and the Hearing Process

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], Section 10 of the Electric Supplier Act [220 ILCS 30/10], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

SOURCE: Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at 18 Ill. Reg. 7748, effective May 15, 1994; amended at 20 Ill. Reg. 10607, effective August 15, 1996; emergency amendment at 24 Ill. Reg. 7903, effective May 22, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16019, effective October 15, 2000; amended at 32 Ill. Reg. 14497, effective September 1, 2008; amended at 35 Ill. Reg. 6327, effective April 1, 2011; amended at 38 Ill. Reg. 22706, effective November 21, 2014.

SUBPART A: GENERAL PROVISIONS

Section 200.90 Appearances

a) Any party may appear by an attorney at law authorized to practice in the State of Illinois; attorneys licensed in another state, territory or commonwealth of the United States, in the District of Columbia, or in a foreign country shall be allowed to appear before the Commission as provided in Supreme Court Rule 707. An attorney appearing pursuant to Supreme Court Rule 707 shall file the statement described in Supreme Court Rule 707(d) as a part of the attorney's entry of appearance, along with proof of service as required by Section 200.150(b), or Section 200.1050(a), if applicable. ~~admitted to practice in states other than Illinois may appear and be heard upon special leave of the Hearing Examiner in particular cases. In determining whether to grant such leave, the Hearing Examiner shall consider, in addition to the goals set forth in Section 200.25, whether the state in which the attorney is admitted to practice grants leave to Illinois attorneys in similar situations.~~

b) A natural person may appear in his or her own behalf.

c) A corporation or association may appear by any bona fide officer, employee or representative. Only persons admitted to practice as attorneys ~~and counsellors at law~~ shall represent others in proceedings before this Commission in any matter involving the exercise of legal skill or knowledge.

d) When Staff witnesses are represented by an attorney, their appearance shall be made by their attorney or attorneys. All Commission Staff witnesses not represented by counsel, who speak at any hearing, shall enter an appearance.

e) All persons appearing in proceedings before the Commission shall conform to the standards of conduct of attorneys before the courts of Illinois. These standards are set forth in the Illinois Rules of Professional Conduct of 2010 (~~[~~Ill. S. Ct. Rules ~~of Prof. Conduct~~, Art. VIII)~~]~~. If any person does not conform to such standards, the Hearing Examiner may decline to permit such person to appear in any proceeding.

(Source: Amended at 38 Ill. Reg. 22706, effective November 21, 2014)

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section 200.100 Contents of Pleadings and Documents

All pleadings and documents in proceedings before the Commission to which a docket number has been assigned shall display the docket number. Pleadings initiating a new proceeding shall leave a space for the docket number. All pleadings shall also include the following information

a) The full name, address, telephone number, and, unless the party has no facsimile number or e-mail address either directly or through its attorney, facsimile number and e-mail address of the person or the representative of the person filing the pleadings. A party, in its first pleading in a proceeding, shall state whether it agrees to accept service by electronic means as provided for in Section 200.1050. A party later may agree, or may revoke its agreement, to accept electronic service, provided that the party shall file and serve a notice of the later agreement or revocation.

b) A plain and concise statement of any facts upon which the pleadings are based.

c) The specific relief sought, which may be in the alternative, including the statutory authority or rule and regulation upon which such relief is sought.

d) If an attorney licensed in another state, territory or commonwealth of the United States, in the District of Columbia, or in a foreign country files a pleading initiating a new proceeding, the pleading shall be accompanied by the statement described in Supreme Court Rule 707(d).

(Source: Amended at 38 Ill. Reg. 22706, effective November 21, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: General Hunting and Trapping on Department-Owned or-Managed Sites

2) Code Citation: 17 Ill. Adm. Code 510

3) Section Number: 510.10 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014; 38 Ill. Reg. 17195

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

11) Differences between the Proposed and Final Version: In Section 510.10(a)(2), the Department made non-substantive language changes.

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 an emergency rule currently in effect? No

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This amendment added language allowing non-hunting and non-trapping partners to accompany hunters and trappers in the field and clarified language for consistency with concealed carry regulations.

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section
510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective June 19, 2000; emergency amendment at 28 Ill. Reg. 13809, effective October 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1364, effective January 10, 2005; amended at 30 Ill. Reg. 12126, effective June 28, 2006; amended at 37 Ill. Reg. 3068, effective March 4, 2013; amended at 38 Ill. Reg. 22714, effective November 18, 2014.

Section 510.10 General Site Regulations

a) Regulations

1) All the regulations cited in this Part apply to all Department species rules,

unless the species rule is more restrictive.

2) The legal possession of a concealed firearm by a validly licensed concealed carry licensee (see 430 ILCS 66) is allowed within designated areas as defined in subsection (b)(2), subject to Section 2.33 of the Wildlife Code on illegal devices and State refuges, the prohibitions set forth in Section 65 of the Firearm Concealed Carry Act and any applicable federal regulations. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum $500 fine and a maximum $5,000 fine, in addition to other statutory penalties. Nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm by a validly licensed concealed carry licensee (see 430 ILCS 66).

b) Definitions

1) Unauthorized person – any individual who is not a Department employee, ~~or~~ an individual who is not present for the purpose of hunting or trapping, or is an individual who does not fall under the definition of "non-hunting or non-trapping partner" pursuant to subsections (b)(10) and (d)(8).

2) Designated area – a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.

3) Hunting/Trapping area – any portion of a site where actual hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.

4) Restricted area – a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

5) Refuge area – a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

6) Adult – a person 18 years of age or older.

7) Waterfowl rest area – a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.

8) Hunter or trapper quota – The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.

9) Publicly announced – The information referred to will be included on the Department's Internet Home Page at www.dnr.illinois.gov, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

10) Non-hunting or non-trapping partner – a person who accompanies a hunter or trapper and does not hunt or trap during the trip.

c) It shall be unlawful:

1) For any person to possess any alcoholic beverage while in any hunting/trapping area for the purpose of hunting or trapping.

2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.

3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.

4) To hunt or trap in a restricted area.

5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any

hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.

6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.

7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).

8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

9) To hunt or trap without a valid permit where permits are required.

10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.

11) To track deer with dogs on any Department owned or managed site during hours when deer hunting is being conducted on the site.

12) To use or occupy a ground blind during any firearm deer season, unless at least 400 square inches of solid, vivid blaze orange material is securely attached to the uppermost portion of the blind and a substantial amount of orange is visible for 360 degrees.

d) Specific Management Procedures

1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.

2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within 15 minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

4) Statewide regulations shall apply at sites where windshield permits are issued, except that hunters must obtain a free site permit online from the Department website. This permit must be displayed under the vehicle windshield, face up, with the permit number visible and the pocket portion in possession while hunting at the site. Hunters must report their annual harvest online (even if the hunter did not hunt) by February 15 or two weeks after the season closes for those seasons ending after February 1. Hunters shall forfeit their hunting privileges at the site for the following year if they fail to report by the above deadline.

5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parts 650, 660, 670 and 680) and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.

7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

8) Non-hunting or non-trapping partners may accompany hunters and trappers on their hunting or trapping trips. Partners must be unarmed and remain with the hunter or trapper throughout the trip. On sites where special permits are required, each permit holder or party is limited to one

non-hunting or non-trapping partner per trip. On sites with waterfowl blinds, non-hunters count towards the blind's maximum occupancy.

(Source: Amended at 38 Ill. Reg. 22714, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting

2) Code Citation: 17 Ill. Adm. Code 530

3) Section Number: 530.80 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014; 38 Ill. Reg. 17203

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

11) Differences between the Proposed and Final Version: In Section 530.80(d)(4), the Department made non-substantive language changes.

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 an emergency rule currently in effect? No

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This rule changes the controlled pheasant hunting season on State sites and allows the sale of pheasant permits by the public/private partnership area concessionaire on State sites.

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85 Youth Pheasant Hunting Permit Requirements
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95 Youth Pheasant Hunting Regulations
530.100 Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. 14704, effective September 21, 2012; amended at 37 Ill. Reg. 16394, effective October 3, 2013; amended at 38 Ill. Reg. 22722, effective November 18, 2014.

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

a) Hunting Seasons:

1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(4)) and on December 25.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerrell State Park (Rend Lake)

2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Saturday following the opening of the statewide upland game season.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerrell State Park (Rend Lake)

3) The controlled hunting season on the Lee County State Conservation Area (Green River) is each Friday through Sunday beginning with the Friday before the opening of the statewide upland game season through the seventh Sunday following (closed during the November and December firearm deer seasons).

4) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season authorized by statute (see 520 ILCS 5/2.6) on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer hunting) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer hunting), Iroquois County State Conservation Area (closed during the November 3-day firearm deer hunting) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerrell State Park – the Wednesday following the first Saturday of November through the ninth Sunday following

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Horseshoe Lake State Park − Madison County (closed New Year's Day) – the second Wednesday of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the next following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer hunting), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first through third~~and second~~ weeks after the opening date of upland game season, ~~Saturday and Sunday during the first firearm deer season,~~ Wednesdays and Thursdays thereafter, and New Year's Day), Sand Ridge State Forest – season dates are those specified in Section 530.20

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the next following January 8

b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	**Check-In Times**	**Hunting Hours**
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerrell State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

Des Plaines State Conservation Area

DEPARTMENT OF NATURAL RESOURCES

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Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerrell State Park

d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:

1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

2) Pursuant to 520 ILCS 5/1.13, at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: $30 residents; $35 non-residents. On the Sunday following Thanksgiving Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

3) Pursuant to 520 ILCS 5/1.13, at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park,

Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerrell State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: $30 residents; $35 non-residents. On the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Year's Day, hunters under 16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

4) Hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting. On youth hunting days requested by the concessionaire and authorized by the Department, hunters under the age of 16 are not required to pay a hunting permit fee. On other hunting days requested by the concessionaire and authorized by the Department, all hunters may purchase a hen pheasant permit at Horseshoe Lake and Ramsey Lake State Parks for $38 per 4-pheasant permit and at Chain O'Lakes and Silver Springs State Parks for $44 per 4-pheasant permit.

Chain O'Lakes State Park − $33 per 2-pheasant permit for residents and $35 per 2-pheasant permit for non-residents; $44 per 3-pheasant permit; $55 per 4-pheasant permit. Two 2-pheasant permits can be hunted at the site per day.

Horseshoe Lake State Park (Madison County) − $33 per 2-pheasant permit for residents, $35 per 2-pheasant permit for non-residents and $32 for standbys paying at the site; $44 per 3-pheasant permit and $43 for standby hunters paying at the site; $55 per 4-pheasant permit and $54 for standby hunters paying at the site.

Ramsey Lake State Park − $33 per 2-pheasant permit for residents, $35 per 2-pheasant permit for non-residents and $32 for standby hunters paying at the site; $44 per 3-pheasant permit and $43 for standby hunters paying at the site; $55 per 4-pheasant permit and $54 for standby hunters paying at the site.

Silver Springs State Park − $33 per 2-pheasant permit for residents and $35 per 2-pheasant permit for non-residents; $44 per 3-

pheasant permit; $55 per 4-pheasant permit.

e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.

f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.

g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerrell State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.

h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits − On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit to a hunter and the limits provided for in 520 ILCS 5/3.28 shall apply:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerrell State Park

k) Tagging of birds.
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within 10 days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 38 Ill. Reg. 22722, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Number: 590.10 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20)

5) Effective Date of Rule: November 18, 2104

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014, 38 Ill. Reg. 17216

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

11) Differences between the Proposed and Final Version: In Section 590.10(b), the Department made non-substantive language changes.

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 an emergency rule currently in effect? No

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: Language was added to state that nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm by a validly licensed concealed carry user.

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 590
DUCK, GOOSE AND COOT HUNTING

Section
590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25 Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60 Various Other Department Sites – Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

590.EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired

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February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg.

13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009; amended at 34 Ill. Reg. 16457, effective October 8, 2010; amended at 35 Ill. Reg. 13161, effective July 26, 2011; amended at 37 Ill. Reg. 19208, effective November 14, 2013; amended at 38 Ill. Reg. 22735, effective November 18, 2014.

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal Migratory Bird Treaty Act* (16 USC 703-711)*, the Migratory Bird Hunting Stamp Act* (16 USC 1718 et seq.), and annual Rules and Regulations for Migratory Bird Hunting (50 CFR 20 (August 31, 2006) and 21 (September 22, 2006) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

b) The legal possession of a concealed firearm by a validly licensed concealed carry licensee is allowed statewide, subject to~~The regulations in~~ Section 2.33 of the Wildlife Code on illegal devices and State refuges, the prohibitions set forth in Section 65 of the Firearm Concealed Carry Act [430 ILCS 66] and any applicable federal regulations~~shall apply to this Part, unless federal regulations are more restrictive~~. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).

e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than number T steel or number BBB of any other non-toxic shot when attempting to take waterfowl. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).

f) Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).

g) Closed Areas
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).

h) Commercial Migratory Waterfowl Hunting Area Permits

1) The holder of a permit shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).

i) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

j) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).

k) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

l) Nothing in this Part shall be construed to criminalize the legal possession of a concealed firearm, as set forth in Section 590.10(b), by a validly licensed concealed carry licensee (see 430 ILCS 66).

(Source: Amended at 38 Ill. Reg. 22735, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3) Section Number: 650.22 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014, 38 Ill. Reg. 17223

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

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: This amendment removes Burning Star 5 State Wildlife Management Area from the list of open sites, as the Department no longer manages this area, and adds regulations for a Disabled Hunt at Lake Shelbyville Projects Lands.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements – Landowner/Tenant Permits
650.22 Deer Permit Requirements – Special Hunts
650.23 Deer Permit Requirements – Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.45 Reporting Harvest
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt (Repealed)
650.66 Special Hunts for Young Hunters
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468,

effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. 13419, effective August 10, 2012; amended at 37 Ill. Reg. 14888, effective August 30, 2013; amended at 38 Ill. Reg. 22742, effective November 18, 2014.

Section 650.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

~~Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; the first and second season are considered separate hunt choices, and permit applications must specify which season they are applying for in the county choice or hunt area field of the application; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt; deer hunters may begin scouting 7 days prior to season date listed on permit)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)

Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)

Joliet Army Training Area (Will County)

Lake Shelbyville Project Lands – Disabled Hunt (first season only; permit drawing will be conducted by Corps of Engineers' staff with permits mailed to successful applicants by the Department; contact Corps of Engineers, Lake Shelbyville office for application procedures/dates; additional permits will be available for purchase at the site for any unfilled positions)

Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge, including Stewardship Park and Eagles Landing (DNR owned) (Friday, Saturday and Sunday prior to the first statewide firearm deer season only; permit drawing will be conducted by USFWS; preference given to disabled hunters; either-sex permits; bonus antlerless-only permits and one-day standby permits will be sold at site)

Midewin National Tallgrass Prairie (no handguns allowed; additional site pass is required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a $500 minimum and $5,000 maximum

fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24)

(Source: Amended at 38 Ill. Reg. 22742, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3) Section Number: 660.22 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014; 38 Ill. Reg. 17229

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

11) Differences between the Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: The Department removed Burning Star 5 State Wildlife Management Area from the list of sites open for special hunts, because the Department no longer manages this property.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements − Landowner/Tenant Permits
660.22 Deer Permit Requirements – Special Hunts
660.25 Deer Permit Requirements – Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19, 2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. 13436,

effective August 10, 2012; amended at 37 Ill. Reg. 14913, effective August 30, 2013; amended at 38 Ill. Reg. 22748, effective November 18, 2014.

Section 660.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, and that issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 660.60(h):

~~Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; tree stands and blinds used for deer hunting must be removed at the end of each day's hunt; deer hunters may begin scouting seven days prior to the season date listed on permit)~~

Delair Division, Great River National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during this hunt before they will be issued an either-sex permit by site staff)

Midewin National Tallgrass Prairie (closed during the second firearm deer season; additional site pass is required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property is a Class A misdemeanor with a $500 minimum and $5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 38 Ill. Reg. 22748, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3)

Section Numbers:	Adopted Action:
670.30	Amendment
670.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

5) Effective Date of Amendments: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014; 38 Ill. Reg. 17233

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

11) Differences between the Proposed and Final Version: In Section 670.60(h), the Department removed language stating hunters at Newton Lake State Fish and Wildlife Area must check the deer at the site office. In Section 670.30(b), the Department changed the word "paragraph" to "subsection."

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 an emergency rule currently in effect? No

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The Department amended this Part to clarify that archery deer hunters may possess arrows tipped with points other than broadheads, but only broadheads may be used to take deer. Burning Star 5 was removed from the list of open sites, because the Department no longer manages the property.

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements – Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. 22752, effective November 18, 2014.

Section 670.30 Statewide Legal Bow and Arrow

a) The only legal hunting devices to take, or attempt to take, deer are:

1) Vertical bows, limited to longbows, recurve bows or compound bows with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches. Any mechanical device capable of maintaining a drawn or partially drawn position on a vertical bow without the hunter exerting full string tension is illegal.

2) Crossbows, so long as one or more of the following conditions are met:

A) If the user is a person age 62 and older with a valid photo ID containing proof of age; or

B) If the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by 17 Ill. Adm. Code 760; or

C) If the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive).

b) Broadheads must be used for~~while~~ archery deer hunting. Broadheads may have fixed or expandable cutting surfaces, but they must be a minimum ⅞ inch in diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert- or obsidian-knapped; broadheads with expandable cutting surfaces must be metal. Nothing in this subsection shall be construed to prohibit the possession of arrows with field tips or blunt tips for the purpose of legally

taking small game or for target practice during the course of the hunt, but those arrows may not be used in any attempt to take deer.

c) Specifications for legal crossbows and bolts are contained in 17 Ill. Adm. Code 760.

d) All other hunting devices, including electronic arrow tracking devices utilizing radio telemetry, are illegal. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.

e) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum $500 and maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 38 Ill. Reg. 22752, effective November 18, 2014)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (6)

* Anderson Lake State Fish and Wildlife Area (2)

Apple River Canyon State Park – Thompson and Salem Units (6)

Argyle Lake State Park (1) (6)

* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (6)

* Big Bend State Fish and Wildlife Area (1) (2)

Big Grand Pierre Glade State Natural Area (1)

Big River State Forest (1) (6)

Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

~~Burning Star 5 State Wildlife Management Area (deer hunters may begin scouting 7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt) (4)~~

Butterfield Trail State Recreation Area (6)

Cache River State Natural Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Campbell Pond State Fish and Wildlife Area (1) (6)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands, except Jim Hawn and East Spillway Areas)

* Carlyle Lake Lands and Waters (Corps of Engineers managed lands – Jim Hawn and East Spillway Areas)

Carlyle Lake State Fish and Wildlife Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season) (6)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Cedar Glen State Natural Area (no hunting after December 15) (1) (6)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1) (6)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Coffeen Lake State Fish and Wildlife Area (6)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (6)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Des Plaines Game Propagation Center (closed Saturdays and Sundays in October and Sundays in November, December and January) (2)

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (6)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (6)

Dog Island State Wildlife Management Area (1) (6)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4) (6)

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

Ferne Clyffe State Park (1) (2)

Finfrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit) (6)

Flag Pond State Natural Area (1)

Fort de Chartres State Historic Site (1) (2)

* Fort Kaskaskia State Historic Site (opens November 1) (2)

Fort Massac State Park (1) (6)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

French Bluff State Natural Area (6)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season) (6)

Green River State Wildlife Area (1) (6)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1) (6)

Hamilton County State Conservation Area (1) (6)

Hanover Bluff State Natural Area (6)

Harry "Babe" Woodyard State Natural Area (4) (6)

Henry Allen Gleason State Natural Area (6)

Hidden Springs State Forest (1) (6)

Hindsboro State Habitat Area (October 1 through October 31 only) (6)

Horseshoe Lake State Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ilo Dillin State Habitat Area (hunting allowed during October only) (6)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

Jubilee College State Park (2)

Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt) (6)

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road) (1) (2 – except south of Highway 154 and north of Highway 13)

Kickapoo State Recreation Area (6)

Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (6)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lincoln Trail State Park (November 1 through the end of statewide season) (2)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (6)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (6)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only; no hunting after the first Thursday after January 10; all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (6)

Mautino State Fish and Wildlife Area (1) (6)

Maytown Pheasant Habitat Area (hunting allowed during October only) (6)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Meeker State Habitat Area (1) (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mermet Lake State Conservation Area (1) (6)

Middle Fork State Fish and Wildlife Area (6)

Midewin National Tallgrass Prairie (additional site hunting pass required) (2)

Miller-Anderson Woods State Natural Area (2)

Mississippi Palisades State Park (closed during the first firearm deer season) (1) (6)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

Momence Wetlands State Natural Area (1) (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1) (6)

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only) (6)

Newton Lake State Fish and Wildlife Area ~~(check deer at site office)~~ (6)

Oakford State Conservation Area

Paul C. Burrus (formerly Hurricane Creek State Habitat Area) (hunter quotas filled by drawing) (6)

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

Pekin Lake State Fish and Wildlife Area (1) (6)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (6)

Prairie Ridge State Natural Area (1) (6)

Pyramid State Park (4)

Rall Woods State Natural Area (6)

Ramsey Lake State Park (1) (6)

* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (6)

Ray Norbut State Fish and Wildlife Area (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

* Red Hills State Park (1) (6)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Revis Hill Prairie State Natural Area (6)

* Rice Lake State Fish and Wildlife Area (2)

* Rockton Bog State Natural Area (6)

Sahara Woods State Fish and Wildlife Area (portions of site closed until November 1) (6)

Saline County State Fish and Wildlife Area (1) (6)

* Sam Dale Lake State Fish and Wildlife Area (1) (6)

* Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (6)

Sand Ridge State Forest (6)

* Shabbona Lake State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1) (6)

Sielbeck Forest State Natural Area (1) (6)

Siloam Springs State Park (Fall Creek Unit) (6)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (4) (6)

* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season) (6)

* South Shore State Park (2)

Sparks Pond State Natural Area (6)

Spoon River State Forest (1) (6)

* Spring Lake State Fish and Wildlife Area (1) (6)

* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

* Stephen A. Forbes State Recreation Area (1) (6)

Tapley Woods State Natural Area (6)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1) (6); Belle

Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

Union County State Fish and Wildlife Area (Controlled Public Hunting Area – closed after October 31) (1) (2)

Walnut Point State Park (1) (6)

Wards Grove State Nature Preserve (closed during firearm deer hunting; antlerless deer only) (6)

* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (6)

Weinberg-King State Park – Cecil White Unit (6)

Weinberg-King State Park − Scripps Unit (resident hunters only) (6)

Weinberg-King State Park − Spunky Bottoms Unit (resident hunters only) (6)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Whitefield Pheasant Habitat Area (hunting allowed during October only) (6)

* White Pines Forest State Park (hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (6)

Wildcat Hollow State Forest (1) (6)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1) (6)

Winston Tunnel State Natural Area (6)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (6)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (4) (6)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (6)

i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31, failure shall result in ineligibility to hunt at the site the following year) (1, starting October 15)

Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of

hunting privileges at the site for the following year) (1)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (refuge portion only, second weekend (Friday, Saturday and Sunday) in November)

* Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County State Fish and Wildlife Area (refuge portion only; first weekend (Friday, Saturday and Sunday) in November)

j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

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

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) (3) (6)

Iroquois County State Conservation Area (6)

Johnson-Sauk Trail State Recreation Area (1) (6)

Wayne Fitzgerrell State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

l) Statewide regulations shall apply at the following sites except that nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4) (6)

* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4) (6)

Siloam Springs State Park (4) (6)

m) Statewide regulations shall apply at this site except that hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced.

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (6)

James Pate Philip State Park and Heron Woods State Habitat Area

Moraine Hills State Park (6)

Volo Bog State Natural Area (6)

n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 38 Ill. Reg. 22752, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Youth Hunting Seasons

2) Code Citation: 17 Ill. Adm. Code 685

3)

Section Numbers:	Adopted Action:
685.20	Amendment
685.40	Amendment
685.110	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in *Illinois Register*: August 15, 2014, 38 Ill. Reg. 17253

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

11) Differences between the Proposed and Final Version: The Department made some grammatical changes in Section 685.110(a)(4).

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: Amendments to this Part incorporate language allowing for the use of the new Youth Hunting License provisions.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 685
YOUTH HUNTING SEASONS

Section

685.10 Statewide Season for White-Tailed Deer Hunting
685.20 Statewide Deer Permit Requirements
685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40 Statewide Deer Hunting Rules
685.50 Reporting Harvest of Deer
685.60 Rejection of Application/Revocation of Deer Permits
685.70 Regulations at Various Department-Owned or -Managed Sites
685.80 Youth White-Tailed Deer Hunt (Repealed)
685.90 Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100 Youth Pheasant Hunting (Repealed)
685.110 Youth Waterfowl Hunting
685.120 Youth Dove Hunting (Repealed)

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

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013; amended at 38 Ill. Reg. 22772, effective November 18, 2014.

Section 685.20 Statewide Deer Permit Requirements

a) All eligible youth hunters must have a current, valid "Youth Deer Hunt Permit"

($10). The Youth Deer Season is only open to hunters who have not reached their 16th birthday prior to the opening date of the season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit.

b) Youth Deer Permits will be available for sale over-the counter (OTC) from agents beginning the first Tuesday in August through the last day of the Youth Deer Season. Hunters may purchase only a single permit (either-sex) for one of the included counties.

c) For the applicant to be eligible to receive a Youth Deer Season Permit ($10), applicant must not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

d) Recipients of the Youth Deer Season Hunt Permit shall record their signature on the permit and must carry it on their person while hunting.

e) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.

f) A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

g) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.

h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 38 Ill. Reg. 22772, effective November 18, 2014)

Section 685.40 Statewide Deer Hunting Rules

a) Bag limits: One deer per legally authorized permit. All either-sex permits are subject to the following restrictions: no hunter, regardless of the quantity or type

of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1.

b) Each hunter participating in the Youth Deer Hunt while using an Apprentice Hunter License or a Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters participating in the Youth Deer Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The non-hunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

c) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 685.50 and on the permit.

d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 38 Ill. Reg. 22772, effective November 18, 2014)

Section 685.110 Youth Waterfowl Hunting

a) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial

acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.

2) Only one permit per person shall be issued for the hunt on December 27 at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.

3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.

4) Permit Reservations~~reservations~~ and Transferability~~transferability.~~

A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his or her rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457

5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.

b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas

1) Hours, Permits and Stamp Charges

A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit) and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.

B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.

C) At Donnelley/DePue State Wildlife Area (3 "i" Unit), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.

D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits are void. A drawing shall be held on the morning of the hunt to allocate blind sites.

E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.

2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.

3) Shotguns~~Guns~~ must be unloaded and encased at all times when not hunting.

4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.

5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.

c) Special Hunts
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs. Open sites that require the use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 will be noted in the public announcement.

d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 38 Ill. Reg. 22772, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: The Taking of Wild Turkeys – Spring Season

2) Code Citation: 17 Ill. Adm. Code 710

3)

Section Numbers:	Adopted Action:
710.10	Amendment
710.50	Amendment
710.70	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]

5) Effective Date of Rule: November 18, 2014

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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 15, 2014, 38 Ill. Reg. 17261

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

11) Differences between the Proposed and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: This Part updates season dates for the 2015 season; removes Burning Star 5 from the list of open sites during both the youth season

and regular turkey season, as the Department is no longer managing the property; and adds language pertaining to the new youth hunting license.

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

John Buhnerkempe
Division of Wildlife
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/785-2511

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 710
THE TAKING OF WILD TURKEYS − SPRING SEASON

Section
710.5 Hunting Zones
710.10 Hunting Seasons
710.20 Statewide Turkey Permit Requirements
710.21 Turkey Permit Requirements − Special Hunts (Renumbered)
710.22 Turkey Permit Requirements − Landowner/Tenant Permits
710.25 Turkey Permit Requirements − Special Hunts
710.28 Turkey Permit Requirements − Heritage Youth Turkey Hunt (Repealed)
710.30 Turkey Hunting Regulations
710.40 Other Regulations (Repealed)
710.50 Regulations at Various Department-Owned or -Managed Sites
710.55 Special Hunts for Disabled Hunters
710.60 Releasing or Stocking of Turkeys
710.70 Spring Youth Turkey Hunt

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

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

DEPARTMENT OF NATURAL RESOURCES

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. 22780, effective November 18, 2014.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season:	Monday, April 13~~14~~-Friday, April 17, 2015~~18, 2014~~
2nd Season:	Saturday, April 18~~19~~-Thursday, April 23, 2015~~24, 2014~~
3rd Season:	Friday, April 24~~25~~-Wednesday, April 29, 2015~~30, 2014~~
4th Season:	Thursday, April 30~~May 1~~-Wednesday, May 6, 2015~~7, 2014~~
5th Season:	Thursday, May 7~~8~~-Thursday, May 14, 2015~~15, 2014~~

b) Southern Zone Season Dates:

1st Season:	Monday, April 6~~7~~-Friday, April 10, 2015~~11, 2014~~
2nd Season:	Saturday, April 11~~12~~-Thursday, April 16, 2015~~17, 2014~~
3rd Season:	Friday, April 17~~18~~-Wednesday, April 22, 2015~~23, 2014~~
4th Season:	Thursday, April 23~~24~~-Wednesday, April 29, 2015~~30, 2014~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

5th Season: Thursday, April 30~~May 1~~-Thursday, May 7, 2015~~8, 2014~~

c) Open Counties:

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Coles
Cumberland
DeKalb
DeWitt
Douglas
Edgar
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lee
Livingston

Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards

Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 38 Ill. Reg. 22780, effective November 18, 2014)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and

whether the assistant will also be hunting.

b) Hunters must sign in/sign out at all sites that are followed by a (1). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

c) Statewide regulations shall apply for the following sites:

Alvah Borah State Habitat Area (2)

Anderson Lake Conservation Area (1)

Argyle Lake State Park (2)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area (2)

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake State Fish and Wildlife Area (2)

Copperhead Hollow State Wildlife Area (2)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (2)

Ferne Clyffe State Park − Cedar Draper Bluff Hunting Area (1)

Flag Pond State Natural Area

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

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Giant City State Park (1)

Horseshoe Lake Conservation Area − Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) − Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only) (2)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

Pere Marquette State Park (designated area only) (2)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (2)

Sanganois Conservation Area (2)

Sielbeck Forest State Natural Area (2)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area − Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

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

Wildcat Hollow Habitat Area (2)

Wise Ridge State Natural Area

d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park − Thompson and Salem Units (2)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (2)

~~Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)~~

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area − East Fork Management Unit (2)

Castle Rock State Park (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crawford County State Fish and Wildlife Area (2)

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (2)

Eldon Hazlet State Park

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (2)

French Bluff State Natural Area (2)

Green River State Wildlife Area (2)

Hamilton County Conservation Area (2)

Hanover Bluff State Natural Area (2)

DEPARTMENT OF NATURAL RESOURCES

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Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

Horseshoe Lake State Park (Madison County)

Iroquois County State Wildlife Area (2)

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

Johnson-Sauk Trail State Park (2)

Kankakee River State Park (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lowden Miller State Forest (2)

Mackinaw River Fish and Wildlife Area (2)

Marseilles State Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from ½ hour before sunrise until 8:30 a.m. with potential additional hunting hours being posted by the site; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall Fish and Wildlife Area (2)

Matthiessen State Park (South of Vermilion River Area) (1)

Mautino State Fish and Wildlife Area (2)

Meeker State Habitat Area (2)

Mermet Lake State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

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Middle Fork State Fish and Wildlife Management Area (2)

Mississippi Palisades State Park (closed during the fifth season) (2)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4th and 5th season) (2)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area (2)

Paul C. Burrus Habitat Area (must have Fox Ridge State Park permit) (2)

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends) (2)

Pyramid State Park (2)

Pyramid State Park − East Conant Unit (2)

Rall Woods State Natural Area (2)

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park (2)

Red Hills State Park/Chauncey Marsh (2)

DEPARTMENT OF NATURAL RESOURCES

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Sahara Woods State Fish and Wildlife Area (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Sand Ridge State Forest (2)

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (2)

Sangchris Lake State Park (2)

Shelbyville State Fish and Wildlife Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (2)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Ten Mile Creek Fish and Wildlife Area (2)

Washington County Conservation Area (1)

Wayne Fitzgerrell State Recreation Area

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Weldon Springs State Park − Piatt County Unit (2)

Winston Tunnel State Natural Area (2)

Witkowsky State Wildlife Area (2)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 38 Ill. Reg. 22780, effective November 18, 2014)

Section 710.70 Spring Youth Turkey Hunt

a) Hunting Dates

1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.

2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.

b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.

c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached their 16th birthday prior to the opening date of the youth season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.

d) Permit Requirements − Spring Youth Turkey Hunt

1) All youth hunters must have a current, valid Youth Turkey Hunt Permit ($10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).

2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC)

from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.

3) For a Special Hunt Area permit: Youth hunters may apply online (http://dnr.state.il.us/admin/turkey.htm) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.

4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.

5) A $3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.

7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season.

e) Youth Turkey Hunting Regulations

1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License or Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. An Illinois resident serving as a youth supervisor must have a valid FOID card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting

license. The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.

f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park − Thompson and Salem Units (2)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake State Fish and Wildlife Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit (2)

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

DEPARTMENT OF NATURAL RESOURCES

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Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Ferne Clyffe State Park − Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake Conservation Area − Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (2)

Marshall State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only) (2)

Newton Lake State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Pere Marquette State Park (open area east of Graham Hollow Road only) (2)

Pyramid State Park (2)

Pyramid State Park − East Conant Unit (2)

Rall Woods State Natural Area (2)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Shelbyville State Fish and Wildlife Area (2)

Sielbeck Forest State Natural Area (2)

Siloam Springs State Park (2)

Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

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

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

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

~~Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting)~~

Butterfield Trail State Recreation Area (2)

Castle Rock State Park

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Ferne Clyffe State Park − Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed) Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed) Shelby County

Middle Fork State Fish and Wildlife Area

Momence Wetlands

Sam Dale Lake State Fish and Wildlife Area (2)

Sand Ridge State Forest

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park (2)

Wayne Fitzgerrell State Recreation Area

Weldon Springs − Piatt County Unit (2)

(Source: Amended at 38 Ill. Reg. 22780, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Allocation of Water From Lake Michigan

2) Code Citation: 17 Ill. Adm. Code 3730

3)

Section Numbers:	Adopted Action:
3730.101	Amendment
3730.102	Amendment
3730.104	Amendment
3730.203	Amendment
3730.206	Amendment
3730.208	Amendment
3730.213	Amendment
3730.301	Amendment
3730.302	Amendment
3730.303	Amendment
3730.304	Amendment
3730.306	Amendment
3730.307	Amendment
3730.309	Amendment
3730.310	Amendment

4) Statutory Authority: 615 ILCS 50

5) Effective Date of Rule: November 18, 2014

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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in *Illinois Register*: March 7, 2014; 38 Ill. Reg. 5754

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

11) Differences between the Proposed and Final Version: The Department added language defining the term "Water Year", recommending permittees utilize Subpart N of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Illinois Plumbing Code (77 Ill. Adm. Code 890) when no USEPA WaterSense labeled products exist for the type of plumbing fixture in use, and mandating compliance with Section 2.5(g) of the Illinois Plumbing License Law [225 ILCS 320]. The Department also made a technical change to a reference in Section 3730.309(a)(6)).

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 rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: Local units of government which are current Lake Michigan water allocation permittees already must submit water use audit reports to the Department annually. To achieve the Statewide Policy Objective of improving the efficient use and conservation of Lake Michigan water, therefore, local units of government must be required to adhere to proposed rulemaking requirements.

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

Robert G. Mool
Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3730
ALLOCATION OF WATER FROM LAKE MICHIGAN

SUBPART A: GENERAL RULES

Section
3730.101 Scope and Purpose
3730.102 Definitions
3730.103 Filing
3730.104 Form of Documents
3730.105 Service of Documents and Proof of Service
3730.106 Computation of Time
3730.107 Appearances and Representation
3730.108 Designation and Representation
3730.109 Public Information
3730.110 Severability

SUBPART B: HEARING

Section
3730.201 Applicability
3730.202 Authorization of Hearings
3730.203 Parties
3730.204 Allocation Applications and Petitions for Modification
3730.205 Complaint
3730.206 Notice of Hearing
3730.207 Prehearing Conferences
3730.208 Discovery
3730.209 Admissions
3730.210 Authority of Hearing Officer
3730.211 Hearing Procedure
3730.212 Subpoenas
3730.213 Official Record
3730.214 Order of Hearing Officer or Director
3730.215 Hearing Officer's Proposed Order

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: ALLOCATION RULES

Section
3730.301 Allocation Permits
3730.302 Application
3730.303 Classification of Water Users
3730.304 Water Needs Criteria
3730.305 Emergencies
3730.306 Transfer of Water Use Rights
3730.307 Conservation Practices and Other Permit Conditions
3730.308 Duration of Permit and Renewals
3730.309 Reporting Requirements
3730.310 Petitions for Modification

SUBPART D: ADMINISTRATIVE REVIEW

Section
3730.401 Administrative Review
3730.402 Modification of Order and Decision of Department

SUBPART E: PENALTIES

Section
3730.501 Penalties

AUTHORITY: Implementing and authorized by the Level of Lake Michigan Act [615 ILCS 50].

SOURCE: Adopted at 4 Ill. Reg. 38, p. 223, effective September 9, 1980; amended at 5 Ill. Reg. 9158, effective September 1, 1981; codified at 7 Ill. Reg. 9683; amended at 9 Ill. Reg. 386, effective January 1, 1985; amended at 14 Ill. Reg. 1484, effective January 3, 1990; recodified from 92 Ill. Adm. Code 730, Department of Transportation, to Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7786, effective April 21, 2003; amended at 38 Ill. Reg. 22801, effective November 18, 2014.

SUBPART A: GENERAL RULES

Section 3730.101 Scope and Purpose

a) This Part governs the practices and procedures of the Director and his or her delegated representatives, and all allocation and enforcement proceedings conducted by them pursuant to the Level of Lake Michigan Act [615 ILCS 50].

b) This Part implements the Department's program for the apportionment of water to be diverted from Lake Michigan among its regional organizations, municipalities, political subdivisions, agencies or instrumentalities for domestic purposes or for direct diversion into the Chicago Area Waterway System to maintain the waterway in a reasonably satisfactory sanitary condition. Consistent with the limitations expressed in a U.S. Supreme Court Decree (Wisconsin v. Illinois, 449 U.S. 48 (1980)), the Lake Michigan water so diverted, whether by way of pumpage for domestic purposes from the lake, the sewage effluent derived from which reaches the Illinois Waterway, or by way of storm runoff from the Lake Michigan watershed that is diverted into the Chicago Area Waterway System, or by way of direct diversion from the lake into the waterway, shall not exceed a 40 year running average of 3,200 cubic feet per second.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.102 Definitions

As used in this Part except where the context indicates otherwise, the following terms shall have the meanings specified:

"Act" means the Level of Lake Michigan Act [615 ILCS 50];

"Annual accounting period" shall be October 1 of each calendar year through the last day in September in the succeeding calendar year;

"Chicago Area Waterway System" or "CAWS" is an engineered system of man-made canals and natural waterways that serves as both a navigation link between Lake Michigan and the Mississippi River system and an outlet for stormwater and effluent. It consists of the North Shore Channel, North Branch of the Chicago River (below the North Branch Dam), Chicago River, South Branch of the Chicago River, South Fork of the South Branch of the Chicago River (Bubbly Creek), Chicago Sanitary and Ship Canal, Cal-Sag Channel and portions of the Calumet River and Little Calumet River leading up to the O'Brien lock. In this Part the term "Chicago Area Waterway System" has the same meaning as the term

"Sanitary and Ship Canal" used in the Level of Lake Michigan Act [615 ILCS 50];

"Department" means the Illinois Department of Natural Resources;

"Director" means the Director of the Illinois Department of Natural Resources or his or her duly delegated representatives;

"Emergency allocation" means a temporary allocation of Lake Michigan water in accordance with Section 3730.305;

"Emergency and standby use" means water pumped to maintain an adequate water supply in the event of a partial or total failure of the primary water supply source of a permittee;

"Gross annual pumpage" means the total amount of water delivered to a user's system;.

"Hearing Officer" means a person duly designated as the hearing officer by the Director;

"Hydrant uses" means, but is not limited to, all water obtained from hydrants for uses such as fire fighting and training, water main flushing, sewer flushing, street cleaning, and unmetered public and private construction;

"Net annual pumpage" means the total amount of water delivered to a user's system not including wholesale water delivered to other water systems, also referred to as system input volume;.

"New users" refers to any regional organization, municipality, political subdivision, agency, instrumentality, organization, association, or individual that did not have an allocation of Lake Michigan water from the Department on July 1, 1980;

"Non-revenue water" is the difference between net annual pumpage (system input volume) and billed, authorized consumption. Non-revenue water shall be determined by taking the net annual pumpage of a water system and subtracting from that amount the quantity of water that is billed, metered consumption and that is billed, unmetered consumption. Non-revenue water includes water that is

lost from the system due to underregistration of meters, systematic data handling errors, leakage anywhere within the distribution system, unauthorized consumption or unbilled authorized consumption;

"Party" means an entity that:

~~which~~ has made application to the Department for an allocation of the Lake Michigan diversion pursuant to the Act;~~,~~ or

~~which~~ has been made a party by the Hearing Officer pursuant to Section 3730.203(c);

"Permittee" means any regional organization, municipality, political subdivision, agency, instrumentality, organization, association~~,~~ or individual that has an allocation permit for water from the Lake Michigan diversion;

"Water Year" mans the annual accounting period consisting of 12 months terminating on the last day of September. As an example, the 2015 Water Year begins on October 1, 2014 and terminates on September 30, 2015.

~~"Unaccounted-for flow" means that amount of water supplied to a system (including the components of transmission, distribution, storage, and pumping) which is lost from the system prior to delivery to the end user, but not including unavoidable leakage. "Unaccounted-for flow" shall include water not accounted for due to underregistration of meters and water lost due to main breaks. "Unaccounted-for flow" shall be calculated by taking the net annual pumpage of the system and subtracting from that figure the amount of water used for residential, commercial, industrial, municipal, hydrant, other identified uses, and unavoidable leakage. The remainder shall be the "unaccounted-for flow." In determining the amount of water used for uses that are unmetered, estimates shall be based on acceptable engineering practices at the time of each unmetered use;~~

~~"Unavoidable leakage" means that amount of water lost from a well maintained water system. In determining "unavoidable leakage," consideration shall be given to the age, size and type of pipe and joints, ground conditions surrounding the pipes, the number of service connections, the number of valves and hydrants, and system pressures. The maximum allowable "unavoidable leakage" shall be determined as follows:~~

~~For cast iron pipe with lead joints~~

~~Age of system~~	~~Maximum unavoidable leakage~~
~~greater than 60 years~~	~~3000 gal/day/mile of main~~
~~40 to 60 years~~	~~2500 gal/day/mile of main~~
~~20 to 40 years~~	~~2000 gal/day/mile of main~~
~~less than 20 years~~	~~1500 gal/day/mile of main~~

~~For all other types of pipe and joints~~

~~Age of system~~	~~Maximum unavoidable leakage~~
~~greater than 60 years~~	~~25000 gal/day/mile of main~~
~~40 to 60 years~~	~~2000 gal/day/mile of main~~
~~20 to 40 years~~	~~1500 gal/day/mile of main~~
~~less than 20 years~~	~~1000 gal/day/mile of main~~

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.104 Form of Documents

a) Documents shall clearly show the file or docket number and title of the proceeding in connection with which they are filed, and shall be clearly designated to indicate the nature of the relief sought, inter alia, "application for allocation permit~~,~~", "complaint~~,~~", "petition for modification~~,~~", "petition for emergency allocation~~,~~" or "motion~~.~~".

b) Except as otherwise provided, four copies of all documents, including application, complaints, motions, petitions, and petitions for review, shall be filed with the Hearing Officer. Only two copies of any discovery motion, interrogatories, answers to interrogatories, or subpoena filed with or by the Hearing Officer need to be filed with the Hearing Officer.

c) Documents shall be prepared~~typewritten or reproduced from typewritten copy~~ on unglazed white paper of greater than 12 pound weight and measuring 8½" x 11". ~~Reproductions may be made by carbon or electrostatic copying machine or any other process that produces legible black-on-white copies.~~ All documents shall be fastened on the left side or in the upper left hand corner. The left margin of each page shall be at least 1½ inches and the right margin at least one inch.

d) One copy of each document will be signed by the applicant or party or by his or her authorized representative or attorney.

e) Documents shall contain the name, address and phone number of the applicant or party filing or his or her authorized representative or attorney.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

SUBPART B: HEARING

Section 3730.203 Parties

a) The party seeking an allocation permit, an emergency allocation, or the modification of an allocation permit shall be designated as the petitioner. Any party initiating an enforcement proceeding shall be designated as the complainant. Any party who seeks to be heard and whose interests are adverse to the petitioner's or the complainant's shall be designated as the respondent.

b) Incorrect designation of a party is not a ground for dismissal but the name of a party may be corrected at any time.

c) If a complete determination of a~~an~~ controversy cannot be had without the presence of other parties, the Hearing Officer may direct them to be made parties. The Hearing Officer may allow the intervention of other persons of entities with an interest in the matter on any side of the controversy or in aid of the Department.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.206 Notice of Hearing

a) In cases in which a hearing is held pursuant to Section 3730.202(a), (c) or (d), the commencement of the hearing shall be within 90 days after the date on which the application for allocation or petition for modification of allocation was received by the Department unless otherwise ordered by the Hearing Officer, or within 60 days after an order for an emergency allocation was entered by the Department. The Department shall give notice of hearing in these cases as follows:

1) to all permittees; petitioners; the Counties of Cook, DuPage, Kane,

Kendall, Lake, Will, and McHenry; the City of Chicago; the Metropolitan Water Reclamation District; the Illinois Environmental Protection Agency; and the Chicago Metropolitan Agency for Planning;~~Northeastern Illinois Planning Commission~~ and

2) by publication not less than twice in newspapers of general circulation in the immediate and remote areas that~~area(s) which~~ may be affected by diversions of Lake Michigan waters, such publications to be no longer than one week apart, and the hearing to be held within 10 days following date of last publication.~~;~~

b) In cases in which a hearing is held pursuant to Section 3730.202(b), complainants~~complainant(s)~~ and respondents~~respondent(s)~~ shall receive notice by certified mail of the time and place of the hearing no less than 20 days before the hearing is held. In addition, complainants~~complainant(s)~~ must provide proof of service of the complaint on each respondent showing that service was completed in compliance with Section 3730.105 no less than 20 days before the hearing is held.

c) The Hearing Officer shall make available to any person copies of applications, petitions, or complaints at the time the hearing date is announced.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.208 Discovery

a) Hearing Officer

1) The Hearing Officer may order production of documents or things, depositions, or interrogatories in his or her discretion upon the written request of any party or by the Department on its own motion, either by an order directed to a party or by subpoena directed to a non-party~~, where~~:

A) when necessary to expedite the proceedings;

B) to ensure a clear or concise record;

C) to ensure a fair opportunity to prepare for the hearing; or

D) to avoid surprise at the hearing.

2) The Hearing Officer shall restrict such discovery when~~where~~ necessary to prevent undue delay or harassment.

b) The Hearing Officer may in his or her discretion order the following discovery upon written request of any party:

1) a list of witnesses who are known to the party, who have knowledge of the occurrence~~,~~ or other relevant facts;

2) a list of expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing; and

3) reasonable inspection of the premises by experts.

c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Section~~these rules~~ may be examined regarding any matter, not privileged, that~~which~~ is relevant to the subject matter of the pending case, or that~~which~~ may lead to the discovery of~~ such~~ relevant information.

d) All depositions and interrogatories taken pursuant to this Section~~rule~~ shall be for purposes of discovery only, except as ~~herein~~ provided in this Section. The~~Such~~ depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Upon application to the Hearing Officer either before or after the taking of depositions~~such deposition~~ or interrogatories and upon showing that, at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the Northeastern Illinois Metropolitan Region (specifically the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry and Will), or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.

e) Upon transcription of the deposition, it shall be made available to the deponent for examination and signature, unless signature is waived both by the deponent~~him~~ and by the parties who are represented at the deposition. Any changes in form or substance that~~which~~ the deponent desires to make shall be entered upon the deposition by the court reporter taking the same with a statement of the reasons

given by the deponent making them. The deposition shall then be signed by the deponent unless the deponent is ill or cannot be found or refuses to sign, in which event the court reporter's certification shall state the reason for the omission of the signature.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.213 Official Record

a) The petitioner or complainant, as applicable,~~Department~~ shall provide a court reporter who shall record and transcribe a stenographic record of all hearings and will provide for such copies of the transcript as the Department may require for its own purposes.~~ For hearings commencing after May 12 1980, the obligation to provide a record shall be the petitioner's.~~

b) After the transcript is filed, the Hearing Officer shall entertain requests for corrections and enter corrections either on the record of a subsequent hearing or in an Order.

c) The transcript of the hearing, all pleadings, all exhibits entered into evidence, and any documents officially noticed pursuant to Section 3730.211(a)(5) shall constitute the record.

d) Transcripts of hearings conducted by the Department shall be kept in the custody of the Department and will be open for inspection during the regular office hours. Copies may be made at the expense of the interested party.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

SUBPART C: ALLOCATION RULES

Section 3730.301 Allocation Permits

a) No regional organization, municipality, political subdivision, agency or instrumentality, or any other organization, association or individual desiring to use water from Lake Michigan that~~which~~ is subject to allocation under the Act shall divert or use any such water after July 1, 1977, unless it has previously obtained from the Department a valid allocation permit.

b) The Department shall issue an allocation permit to any applicant ~~which~~ it determines to be entitled to an allocation of water from the Lake Michigan diversion according to the criteria set out in this Subpart. The permit shall state the allocation ~~which~~ the applicant is allowed, the starting date and duration of the permitted allocation, and such conditions as specified in Sections 3730.307 and 3730.309 as the Department may require the applicant to comply with in order to receive or to continue to receive its allocated share of the Lake Michigan diversion. Allocations for residential, industrial and commercial uses will be limited for each annual accounting period. Allocations for navigational makeup and discretionary dilution will be limited by a running average over five annual accounting periods. The Department will hold an amount of Lake Michigan water in reserve~~Allocations~~ for lockage and leakage that will be based on~~limited by~~ a running average over 40 annual accounting periods.

c) If, over a five-year running period, a permittee appropriates water in amounts ~~which are~~ greater than 105% of its allocation for that period or if it appropriates in excess of 115%~~percent~~ of its allocation in any one annual accounting period, the Department may~~shall~~ issue a notice of violation of the allocation permit.

d) If a permittee commits a permit violation under subsection~~subsections~~ (a), (b) or (c) or if it fails to observe the conditions attached to its allocation permit, the Department may~~shall~~ issue a notice of violation. Upon hearing and determination of ~~said~~ violation, the permittee shall be deemed to have failed to obey an order made by the Department and may be subject to a fine of not less than $1,000 and~~or~~ not more than $10,000 to be recovered in the name of the People of the State of Illinois in any court of competent jurisdiction. Each day in which the prohibited activity continues shall constitute a new and separate violation of a Department order.

e) If, over a five-year running period, a permittee appropriates water in amounts ~~which are~~ less than 90% of its allocation for the period, any entity or the Department, on its own motion, may initiate proceedings for a modification according to Sections 3730.204(c) and 3730.310. Any ~~such~~ modification shall be preceded by notice as provided in Section 3730.206, and a hearing shall be held in conformance with Subpart B.

f) If a permittee, because of physical limitations, cannot use an allocation, the Department may allocate this water, after notice and a hearing, to another use during an accounting period or hold it in reserve for future use without prejudice

to any permittee's allocation in succeeding accounting periods.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.302 Application

An application for an allocation permit shall contain the following information, to be filed on forms provided by the Department:

a) The name and location of the applicant;

b) A description of the geographic area that~~which~~ the applicant supplies or intends to supply with water, and the number of people residing within that area;

c) An enumeration of the uses to which the allocation is intended to be put, including the proportion of the allocation that~~which~~ goes to each use;

d) A description of all proposed and existing systems for the storage, treatment, transportation and distribution of water and the location of any discharge of wastewater effluent within the area ~~which~~ the applicant intends to supply with water from the allocation, including the location, dates of construction, and major improvements of wells;

e) A description of all present sources of water supply, within the area described under subsection ~~pursuant to Section 3730.302~~(b), including a breakdown stating the amounts and quality of water currently available and the quantity prospectively available from each source;

f) A statement of anticipated future needs during the period for which application for a water allocation is being made, including projected land use changes and population changes and per capita use;~~.~~

g) A description of the applicant's current and proposed water conservation programs, measures and ordinances that promote the efficient use of its water supply;

h) Such other information relevant to the Lake Michigan allocation as the Department deems appropriate.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.303 Classification of Water Users

a) Applicants will be divided into broad categories determined by water use. The categories in order of descending priorities are: Categories IA, ~~and~~ IB, IIA, IIB ~~having the same priority, Categories IIA and IIB having the same priority,~~ and ~~Category~~ III.

1) Category IA – Applicants whose primary water needs are residential, commercial or industrial and whose future or continued use of Lake Michigan water is the most economical source of supply.

2) Category IB – Applicants whose primary water demands are residential, commercial and industrial and whose use of Lake Michigan water would reduce the regional use of the deep aquifer.

3) Category IIA – Applicants whose primary water demands are for the minimum flows necessary to meet navigation requirements and minimum discretionary dilution flows necessary to maintain the Chicago Area Waterway System~~Sanitary and Ship Canal~~ in a reasonably satisfactory sanitary condition.

4~~3~~) Category IIB~~IIA~~ – Applicants whose water demands are for the minimum discretionary dilution flows necessary to meet water quality standards in the Chicago Area Waterway System~~Sanitary and Ship Canal~~.

~~4) Category IIB – Applicants whose primary water demands are residential, commercial and industrial and whose use of Lake Michigan water would reduce regional use of the deep aquifer.~~

5) Category III – Applicants whose water demands do not fall into Category IA, IB, IIA, or IIB.

b) In determining the need for Category~~priorities within Categories~~ IA and IB allocations, the Department will consider the following items:

1) Adequacy of supply from sources other than Lake Michigan.

2) Economics of alternative supplies.

~~3) A limitation of 320 cubic feet of water per second for discretionary dilution for water quality purposes in the Sanitary and Ship Canal.~~

~~4) The need to maintain the Sanitary and Ship Canal in a reasonably satisfactory sanitary condition.~~

3~~5~~) For new applicants~~users or applicants who have requested an increase over the allocation of Lake Michigan water which these applicants had on July 1, 1980~~, priority will be given to allocations for domestic purposes.

4) For new applicants, allocations of Lake Michigan water will be made with the goal of reducing withdrawals from the Cambrian-Ordovician Aquifer (deep aquifer).

~~6) The need to meet navigation requirements in the Sanitary and Ship Canal.~~

~~7) The requirement that the Department shall not allocate less than 320 cubic feet per second for discretionary dilution for water quality purposes in the Sanitary and Ship Canal before October 1, 2000, unless a modification is ordered based on the criteria stated in Section 3730.310(b)(4).~~

c) In determining the need for priorities within Categories IIA and IIB, the Department will consider the following items:

1) A limitation of 270~~320~~ cubic feet per second for discretionary dilution for water quality purposes in the Chicago Area Waterway System~~Sanitary and Ship Canal~~.

2) The need to meet navigation requirements in the Chicago Area Waterway System~~The requirement that the Department shall not allocate less than 320 cubic feet per second for discretionary dilution for water quality purposes in the Sanitary and Ship Canal before October 1, 2000, unless a~~

~~modification is ordered based on the criteria stated in Section 3730.310(b)(4)~~.

3) The minimum discretionary diversion needed~~need~~ to keep~~meet~~ water quality ~~standards~~ in the Chicago Area Waterway System in a reasonable satisfactory sanitary condition~~Sanitary and Ship Canal~~.

~~4) For new users or applicants who have requested an increase over the allocation of Lake Michigan water these applicants had on July 1, 1980, allocations of Lake Michigan water will be made with the goal of reducing withdrawals from the Cambrian-Ordovician Aquifer.~~

d) Category III applicants do not qualify for an allocation of water from Lake Michigan.

e~~d~~) The Department will normally make allocations to meet the full water needs of Category IA and IB applicants~~any category~~ as determined by the Department before any water is allocated to applicants in Category IIA and IIB~~categories of the lower priority~~.

f~~e~~) In determining the amount of water available for allocations to Categories IA, IB, IIA and IIB~~I, II, & III~~, the Department will consider the amount of water that must be reserved for storm water runoff, lockage and leakage and a reserve for future increases in demands and storm water runoff.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.304 Water Needs Criteria~~.~~

The Department will determine anticipated water needs for each applicant. The Department will take into consideration in making that~~such~~ determination the population of the area to be served, projected population growth, current and projected per capita consumption within the area, the nature and extent of industrial uses (including a consideration of typical requirements for similar industries), municipal and hydrant uses (public facilities, park upkeep, fire protection), implementation of conservation practices, and the reduction of non-revenue water~~unaccounted-for flows~~ as required by this Section~~these rules~~.

a) Conservation practices that~~which~~ will be considered with respect to applicants in Categories IA and IB~~IIB~~ include the extent of metering, the provision of building

codes for water efficient equipment, ordinances that promote the efficient use of water for lawn sprinkling and other outside uses, rate structures that~~which~~ encourage conservation, past record of enforcement of water saving ordinances, expenditures for maintenance and repair of water distribution systems, and implementation of specific ground water conservation levels of usage recommended by State or regional planning agencies. The Director may establish maximum reasonable per capita consumption rates for each user based upon either an evaluation of the relative proportion of industrial, commercial and residential users served by the permittee or the efficiency of the permittee's water distribution system, or both. Applicants in Categories IA and IB shall limit non-revenue water so that it is less than 12% of net annual pumpage in Water Year 2015, decreasing to no more than 10% by Water Year 2019 and all years thereafter. Applicants whose non-revenue water exceeds the non-revenue thresholds (12% in Water Year 2015, decreasing to 10% in Water Year 2019) shall submit a water system improvement plan that outlines the actions the applicant plans to undertake, along with a timeframe, to reduce non-revenue water to less than the thresholds outlined in this subsection. The Department may grant a waiver to the requirement to submit a water system improvement plan to an applicant whose non-revenue water exceeds the thresholds if it can be shown that the reason for exceeding the non-revenue water threshold is due to metered, but unbilled, consumption or to authorized, unmetered, unbilled consumption when the quantity can be determined through acceptable engineering practices. The Department will consider this information in determining proper allocation amounts.~~Unaccounted-for flows for applicants in Categories IA and IIB shall not exceed 12% in 1981 decreasing to 8% in 1986 and for all years thereafter except as provided in Section 3730.307(b). The percentages stated in this Section shall be based on net annual pumpage.~~

b) Conservation practices that~~which~~ will be considered with respect to applicants in Categories ~~IB and~~ IIA and IIB include improved and more accurate measurement and accounting procedures, improved treatment of all wastewater~~waste~~ flows, elimination of untreated combined sewer bypass flows, reasonable use of ~~instream~~ aeration facilities, ~~impoundment or other methods to provide for the reuse of lockage water, regulation of lock usage,~~ implementation of navigational and storm response operations, and procedures to minimize Lake Michigan diversion and implementation of effective programs of leak prevention, detection and correction.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.306 Transfer of Water Use Rights

a) A user may not transfer any portion of its allocation of Lake Michigan water to another user unless the transferor has satisfied all of the conditions precedent attached to its water allocation permit and the Department has approved the transfer according to the procedures in subsection (b) or (c)~~subparagraph (b) or (c) of this Section~~.

b) All requests for transfers, except those described in subsection~~subparagraph~~ (c)~~ of this Section~~, shall be processed as petitions for modification of the allocation permits of the transferor and the transferee according to Sections 3730.204(c) and 3730.310. These requests shall not be approved or disapproved unless notice has been given as provided in Section 3730.206 and a hearing has been held in conformance with Subpart B~~ of this Part~~.

c) Any request for a transfer that~~which~~ includes the following statements may be approved by the Department after 30 days notice to all permittees and an opportunity for hearing has been provided:

1) The transferor must have satisfied all of the conditions precedent~~precendent~~ attached to its water allocation permit.

2) The transferee must be a duly constituted regional water supply organization.

3) The~~the~~ transferor and transferee must clearly indicate that the transferee assumes responsibility for compliance by the transferor with the requirements of Sections 3730.307 and 3730.309.

4) The requested transfer must comprise 100% of the transferor's allocation.

5) The transferred allocation must be used solely by the transferor.

d) Transfers to another user of any part of an allocation, except those transfers described in subsection~~subparagraph~~ (c)~~ of this Section~~, will be considered prima evidence of a reduction in the transferor's water use needs equivalent in size to the transferred allocation when the transferor applies for a renewal permit. However, evidence that an applicant has obtained additional Lake Michigan water from

other users beyond that amount originally allocated to the transferee will not be sufficient to establish a prima facie case that the transferee-applicant's original allocation should be increased by a corresponding amount.

e) All transfers terminate upon the expiration of the transferor's allocation permit.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.307 Conservation Practices and Other Permit Conditions

a) The Department shall condition allocations within a user category upon required conservation practices for each user category as specified in subsections (b) and (c). Failure by any permittee to meet the conservation requirements applicable to it within a reasonable period of time will, upon notice, hearing and determination of the~~such~~ failure, constitutes a violation of a Department order.

b) Permittees in Categories IA and IB shall limit non-revenue water so that it is less than 12% of net annual pumpage (system input volume) in Water Year 2015, decreasing to no more than 10% by Water Year 2019 and all years thereafter. Permittees whose non-revenue water exceeds the non-revenue thresholds (12% in Water Year 2015, decreasing to 10% by Water Year 2019) shall submit a water system improvement plan that outlines the actions the permittee plans to undertake, along with a timeframe, to reduce non-revenue water to less than the thresholds outlined in this subsection. The Department may grant a waiver to the requirements to submit a water system improvement plan to a permittee whose non-revenue water exceeds the thresholds if it can be shown that the reason for exceeding the non-revenue water threshold is due to metered, but unbilled, consumption or to authorized, unmetered, unbilled consumption when the quantity can be determined through acceptable engineering practices. The Department recognizes that actions necessary to reduce water losses can require significant capital expenditures and a lengthy timeframe, and that communities face other pressing infrastructure needs, and will take this into account in reviewing and approving water system improvement plans~~As a condition of receiving an allocation of Lake Michigan water, all permittees will agree to submit to the Department proposals designed to reduce or eliminate wasteful water use and to reduce unaccounted-for flows to 8% or less, based on net annual pumpage, and procedures used to determine efficiency of water metering or accounting in permittee's system~~.

c) The Department shall require evidence of adoptions by the permittee of the following conservation practices as applicable to the particular user:

1) Leakage monitoring and correction for storage, transmission and distribution systems.

2) Metering of all new construction. When practicable and feasible, the Department recommends sub-metering in new multi-family buildings.

3) Metering of existing non-metered ~~nonmetered~~ services as part of any major remodeling.

4) The adoption of ordinances requiring~~which require~~ that new and replacement plumbing fixtures be a labeled WaterSense product, as specified by USEPA.~~installation of the following water efficient plumbing fixtures based on a pressure at the fixture of 40 to 50 psi in all new construction and in all repair or replacement of fixtures or trim:~~

~~Fixtures~~	~~Maximum Flow~~
~~Water Closets, tank type~~	~~3.5 gal per flush~~
~~Water Closets, flushometer type~~	~~3.0 gal per flush~~
~~Urinals, tank type~~	~~3.0 gal per flush~~
~~Urinals, flushometer type~~	~~3.0 gal per flush~~
~~Shower Heads~~	~~3.0 GPM~~
~~Lavatory, sink faucets~~	~~3.0 GPM~~

5) The adoption of ordinances requiring~~which require~~ the installation of closed system air conditioning in all new construction and in all remodeling.

6) The adoption of ordinances requiring~~which require~~ that all lavatories for public use in new construction or remodeling be equipped with metering or self-closing faucets.

7) The adoption of ordinances requiring~~which require~~ that all newly constructed or remodeled car wash installations be equipped with a water recycling system.

8) The adoption of ordinances that~~which~~ restrict non-essential outside water

uses to prevent excessive, wasteful use. These~~As a minimum, these restrictions~~ shall provide that unrestricted lawn sprinkling will not be allowed from May 15 through~~–~~ September 15 of each year by requiring, as a minimum, that lawn sprinkling shall not occur on consecutive days nor shall any lawn sprinkling occur during at least a 6 hour period in the middle of the day (i.e., 10 a.m. through 4 p.m., noon to 6 p.m.) when evapotranspiration is at its highest. New lawns (less than 3 months old) may be exempted from this provision. In addition, new/replacement sprinkler systems shall be equipped with a WaterSense labeled irrigation controller and shall be in compliance with Section 2.5(g) of the Illinois Plumbing License Law [225 ILCS 320].

9) Development and implementation of public programs to encourage efficient~~reduced~~ water use.

10) Installation of facilities and implementation of programs to reduce to a reasonable minimum, and to accurately account for, water used for navigational and discretionary diversion~~, lockage, and leakage purposes; and pollution treatment, control or abatement~~ purposes.

d) Within 90 days after~~of~~ receipt of an allocation permit, each permittee that~~which~~ uses any water from deep aquifer pumpage shall submit and implement a phased program designed to end this practice, other than for emergency or standby use, within five years after~~of~~ the receipt of Lake Michigan water. New applicants may petition the Department for a waiver of this requirement, which the Department may grant if it determines that the applicant has a legitimate legal or practical basis for its inability to comply with this requirement and when a partial allocation of Lake Michigan water will result in reduced pumpage from the deep aquifer. Existing permittees are not eligible to petition the Department for a waiver of this requirement.

e) As a condition of receiving an allocation of Lake Michigan water, all permittees will limit unmetered hydrant uses to 1% or less of net annual pumpage in each annual accounting period. The Department may grant an exception to this requirement if it can be shown by the user that this requirement can't be met. In determining the merits of a request for an exception, the Department considers such factors as engineering studies of hydrant uses and unusual circumstances during an annual accounting period.

f) The Department recommends that all permittees adopt water rate structures based on metered water use and that water rate structures be developed that~~which~~ will discourage excessive water use. The Department also recommends that water rates reflect the full cost of water, including the long term cost to properly maintain and operate the water supply distribution system in such a manner as to keep system losses to a minimum.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.309 Reporting Requirements

a) Within 60 days after~~of~~ the end of each accounting period, all permittees shall furnish the following information and such other information relevant to the Lake Michigan allocation as the Department may require on forms provided by the Department:

1) Total water use from all sources for the accounting year and the percentage of water distributed through metered services;

2) Average daily water use by month from all sources for the accounting year;

3) Maximum and minimum daily pumpage from all sources for the accounting year and the dates of these events;

4) Total pumpage from Lake Michigan, shallow aquifer wells, and deep aquifer wells, including the number and location of each well, and the percentage of total water use for the accounting year from each source;

5) Individual well production rates for the accounting year, including well numbers, average pumping rates, and average number of hours pumped per day;

6) For each well, a list of all parameters that~~which~~ exceed the standards in 35 Ill. Adm. Code 620~~601-607~~;

7) A list of which wells, if any, interfere with each other during simultaneous pumping;

8) A description of any problems anticipated from any well supply during the next accounting period;

9) The amount and percentage of water from all sources for the accounting period used for each of the following purposes:

A) Residential,

B) Industrial and commercial,

C) Municipal~~ use~~,

D) Firefighting and training,

E) Water main flushing,

F) Sewer flushing,

G) Street cleaning,

H) Public and private construction,

I) Leakage,

J) Lockage,

K) Storm water runoff,

L) Navigational makeup,

M) Discretionary diversion,

N) Unmetered services,

O) Non-revenue water~~Unaccounted for~~, and

~~P) Unavoidable leakage, and~~

P~~Q~~) Other identified uses;

10) Summaries of the results and recommendations of any leak surveys conducted in the accounting period;

11) Amounts transferred and sources of all water sold or otherwise provided to any other named distribution system during the accounting period;

12) A copy of the current water rates for all consumers, including an indication whether each water rate structure is declining, flat~~,~~ or increasing;~~,~~ and

13) The name, address and telephone number of the person the Department should contact if further information is needed.

b) Within 30 days after~~of~~ the end of each month, all permittees with an intake structure on Lake Michigan shall state the daily pumpage rates for Lake Michigan water, the monthly average pumpage rate, the average daily supply transferred to other named entities, and such other information relevant to the Lake Michigan allocation as the Department may reasonably require on forms provided by the Department.

c) Within 30 days after~~of~~ the end of each month, all permittees who are the first Illinois users of water diverted from Lake Michigan outside Illinois shall state the daily pumpage rates for Lake Michigan water, the monthly average pumpage rate, the average daily supply transferred to other entities, and such other information relevant to the Lake Michigan allocation as the Department may reasonably require on forms provided by the Department.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

Section 3730.310 Petitions for Modification

a) Petitions for modification~~Modification~~ of an allocation permit may be filed by any entity at any time. Petitions~~Petitons~~ for modification must comply with Section 3730.204(c). If the Department finds that any such petition is supported by an adequate statement of reasons, is not plainly devoid of merit or frivolous, and does not deal with a subject on which a hearing has been held within the preceding six months, a hearing shall be held pursuant to Sections 3730.201 through 3730.215. Copies of each petition for modification shall be served upon

all parties to the allocation proceedings. A copy of the service list may be obtained from the Department.

b) Bases for modification of an allocation permit include, but are not limited to:

1) Evidence of a substantial change in circumstances that~~which~~ results in a change in water needs of the entity; ~~or~~

2) Violation of a permit condition and/or failure or neglect to properly utilize an allocation; ~~or~~

3) Determination by the Department that a total reallocation is necessary to best utilize the Lake Michigan diversion to preserve the health, safety and welfare of the Northeastern Illinois Metropolitan Region; or

4) Notification received by the Department from the Illinois Environmental Protection Agency stating that pollution abatement facilities affecting the water quality of the Chicago Area Waterway System~~Sanitary and Ship Canal~~ have become operational or that standards affecting the water quality of the Chicago Area Waterway System~~Sanitary and Ship Canal~~ have been changed.

c) In the Department's determination of the outcome of a modification proceeding, the Department shall determine the effect of a modification on any outstanding securities, debt obligations or contractual obligations of any permittee whose allocation is the subject of the modification proceeding and shall endeavor to avoid any material adverse effect on these obligations.

d) The Department may, in its discretion, schedule a hearing upon any petition without regard to the existence of the factors listed in subsection~~subparagraph~~ (b) ~~of this Section~~ if it deems holding the~~such~~ hearing to be in the public interest.

(Source: Amended at 38 Ill. Reg. 22801, effective November 18, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedure for Conducting Examinations of Persons Seeking Certificates of Competency

2) Code Citation: 62 Ill. Adm. Code 230

3)

Section Numbers:	Adopted Action:
230.30	Amendment
230.40	New Section

4) Statutory Authority: Implementing and authorized by Article 2 and 3 of the Coal Mining Act [225 ILCS 705/Art. 2 and 3]

5) Effective Date of Rule: November 18, 2014

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 rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: July 18, 2014, 38 Ill. Reg. 14804

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

11) Differences between the Proposed and Final Version: The department changed the date in Section 230.40(n) from January 1, 2014, to January 1, 2015.

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: PA 98-543 gave the Office of Mines and Minerals authority to issue certificates of competency for mine electricians. Previous administrative rules did not contain the procedures or specifics for application and

examination of candidates. This Part was amended to incorporate eligibility requirements for obtaining mine electrician certification, how and when the mine electrician examination will be administered, examination and training requirements for mine electricians from other states, and parameters for cancellation, revocation or suspension of mine electrician certification.

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

Nick San Diego
Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 230
PROCEDURE FOR CONDUCTING EXAMINATIONS OF
PERSONS SEEKING CERTIFICATES OF COMPETENCY

Section
230.10 Procedure for Holding Semi-Annual Mining Board Examinations
230.20 Procedure for Conducting Examinations Other Than the Semi-Annual Mining Board Examinations
230.30 Fees for Certificates of Competency
230.40 Procedure for Conducting Mine Electrician Examinations

AUTHORITY: Implementing and authorized by Article 2 and 3 of the Coal Mining Act [225 ILCS 705/Arts. 2 and 3].

SOURCE: Filed and effective June 17, 1958; codified at 7 Ill. Reg. 9305; amended at 37 Ill. Reg. 6772, effective May 1, 2013; amended at 38 Ill. Reg. 22827, effective November 18, 2014.

Section 230.30 Fees for Certificates of Competency

The following fees shall be paid to the Department for administration of certificate examinations and are non-refundable.

a) Applicants shall submit, along with the application, the following fee for each examination.

Certificate of Competency	Fee
State Mine Inspector	$50
Mine Manager	$50
Mine Examiner	$50
Electrical Hoisting Engineer	$50
General Surface Supervisor	$50
Independent Contractor Supervisor	$50
Shaft-Slope Supervisor	$50
Shaft-Slope Examiner	$50
Surface Mine Supervisor	$50

Shot Firer	$50
First Class	$50
Shaft-Slope Worker	$50
Crane Hoist Operator	$50
Mine Electrician	$50

b) The fee for a temporary Certificate of Competency is $50.

c) The fee for annual renewal of Mine Electrician certification is $25.

(Source: Amended at 38 Ill. Reg. 22827, effective November 18, 2014)

Section 230.40 Procedure for Conducting Mine Electrician Examinations

a) Candidates seeking Certificates of Competency as Mine Electricians must complete an application provided by the Department and provide evidence of at least one year of experience in performing electrical work in a coal mine or acceptable related industry and pass an Illinois Mine Electrical Examination.

1) Evidence of experience must include details of electrical work, including but not limited to: dates of work, work performed and types of equipment upon which electrical work was conducted and the names of persons supervising the work.

2) An acceptable related industry can be one of the following: a non-coal mine, mine equipment manufacturing industry or any other industry using or manufacturing similar equipment.

b) Illinois Mine Electrical Examinations for Certificates of Competency as Mine Electricians will be in three categories:

1) Coal Mine Electrician – Surface and Underground;

2) Coal Mine Electrician – Surface Only; and

3) Coal Mine Electrician – Underground Only.

c) Candidates must submit to the Department evidence of eligibility at least 30 days prior to the scheduled examination.

d) Examinations will be conducted at least twice a year and additional examinations will be scheduled if needed. A public notice shall be given through the press or otherwise, not less than 10 days in advance, announcing the time and date for the examination.

e) Candidates may be eligible to take the Illinois Mine Electrical Examination if the candidate:

1) Is classified as an Apprentice Mine Electrician and have met the requirements for an apprentice.

A) An Apprentice Mine Electrician is an individual who has successfully completed the Illinois Basic Electrical Safety Training (IBEST), has completed or is in the process of completing the Illinois Initial Mine Electrical Training program and is in or has completed an approved Coal Mine Maintenance Training Program.

B) The IBEST is an 8-hour safety class approved by the Department. Satisfactory completion of the class requires attaining a minimum score of 80% on a written examination.

C) The Illinois Initial Mine Electrical Training Program is a 112-hour program approved by the Department that includes, but is not limited to: DC Theory, AC Theory, Mine Electrical Equipment, Permissibility, and State and Federal Regulations.

D) The Coal Mine Maintenance Training Program is a program approved by the Department in which the Apprentice Mine Electrician is working as a maintenance person. A log is kept of electrical repair and maintenance activities;

2) Possesses a Bachelor of Science degree in electrical engineering and provides proof of electrical experience as outlined in subsection (a)(1); or

3) Is qualified as a mine electrician but has not taken the examinations required in 30 CFR 75.153(a) and 77.103(a)(3).

f) The examination will be in three parts: written, oral and practical. The candidate must attain a minimum score of 80% on the written examination. The practical and oral examinations are pass/fail. The practical and oral examinations may be scheduled separately from the written examination.

g) Candidates failing to achieve 80% on any portion of the written examination will be given two additional opportunities to retake and pass the failed portion. Candidates failing the practical or oral examination will be given one additional opportunity to pass the failed examination. Candidates wishing to retake a failed portion of the written examination or the practical or oral examination may do so at the next subsequent scheduled examination.

h) Candidates failing to achieve a passing grade on the written, practical or oral examinations after the allotted number of opportunities to retake the examination will be required to retake the entire examination.

i) A Certificate of Competency will be provided to a candidate upon successfully passing all three examination parts.

j) An Illinois Mine Electrical Examination is not required if an individual possesses a current coal mine electrical certification from a Mine Safety and Health Administration (MSHA)-approved State coal mine electrical program or holds an MSHA electrical qualification card. These candidates must complete an 8-hour IBEST class provided by an Illinois-approved electrical instructor and attain a minimum score of 80% on a written examination administered by a representative from the Department. The written examination is 30 questions pertaining to State laws/regulations and arc flash. A Certification of Competency will be provided to the candidate upon completion of the class and successfully passing the written examination.

k) A person possessing a current coal mine electrical certification from an MSHA-approved State coal mine electrical program or holding an MSHA electrical qualification card may receive temporary certification as a Mine Electrician until the next 8-hour electrical safety IBEST class and until the required examination has been administered by a representative from the Department.

l) To maintain Illinois Mine Electrician certification, an individual must annually complete an 8-hour electrical refresher class provided by an Illinois-approved

electrical instructor and a renewal fee must be paid to the Department either prior to or at the time of the class.

1) An individual who fails to attend the required annual refresher training will have his/her certification revoked.

2) To reinstate the Illinois Mine Electrician certification, an individual is required to comply with subsection (j).

m) Illinois Mine Electrician certification may be cancelled, revoked or suspended by the Illinois State Mining Board if it is established the holder of the certification has obtained the certification by fraud or misrepresentation of experience or becomes unworthy of certification by reason of violation of the law or regulation, intemperate habits, incapacity, abuse of authority or any other similar cause. The person against whom charges or complaints are made shall have the right to appear before the State Mining Board (see 62 Ill. Adm. Code 100).

n) Persons employed in the Illinois coal industry on January 1, 2015 who hold an MSHA electrical qualification card are exempt from the requirements of this Section until their first annual refresher class under subsection (l). Upon completion of the annual refresher class, individuals who wish to obtain Illinois Mine Electrician certification will receive an application. The completed application and fee shall be submitted to the Department and a Certificate of Competency as Mine Electrician will be issued.

(Source: Added at 38 Ill. Reg. 22827, effective November 18, 2014)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organization, Public Information, and Types of Proceedings

2) Code Citation: 2 Ill. Adm. Code 2175

3)

Section Numbers:	Adopted Action:
2175.110	Amendment
2175.120	Amendment
2175.125	Amendment
2175.305	Amendment
2175.315	Amendment
2175.320	Amendment
2175.535	Amendment
2175.APPENDIX A	Amendment

4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28] and Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15]

5) Effective Date of Rule: November 24, 2014

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

7) Does this rulemaking contain incorporations by reference? No

8) The adopted rule is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.

9) Notice of Proposal published in *Illinois Register*: Pursuant to Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15] these rules were not published as a proposed rules in the Illinois Register.

10) Differences between Proposal and Final Version: None

11) Will this rulemaking replace any emergency rule currently in effect? No

12) Are there any rulemakings pending on this Part? No

13) Summary and Purpose of Rulemaking: The Board is amending its administrative rules, which describe the Board's organization, the types of Board proceedings, how to pay

filing and copying fees, and how the public may access information. The Board is amending these rules to update the public information provisions by removing the reference to a subscription for the *Environmental Register*, and updating provisions in response to amendments to the Freedom of Information Act (FOIA) (5 ILCS 140 (2012)). The Board is also updating the organizational provisions and organization chart in this rulemaking. Finally, the Board makes changes to reflect current Board practices in holding closed meetings.

14) Information and questions regarding this adopted rule shall be directed to:

Marie Tipsord
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago IL 60601

312/814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R15-10 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXVIII: POLLUTION CONTROL BOARD

PART 2175
ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

SUBPART A: INTRODUCTION AND ORGANIZATION

Section
2175.100 Summary and Purpose
2175.105 Board Membership
2175.110 Organization and Supervisory Relationships
2175.115 Location of Offices
2175.120 Board Meetings
2175.125 Public Notice of Open Board Meetings and Closed Deliberative Sessions
2175.130 Agenda of Open Board Meetings and Closed Deliberative Sessions
2175.135 Minutes of Open Board Meetings; Minutes and Verbatim Record of Closed Deliberative Sessions
2175.140 Accessibility of Open Board Meetings and Hearings

SUBPART B: FEES AND FORMS OF PAYMENT

Section
2175.200 Filing Fees
2175.205 Copying Fees
2175.210 Copying Procedures
2175.215 Forms of Payment
2175.220 Other Fees/Costs

SUBPART C: PUBLIC INFORMATION

Section
2175.300 Files Open to Reasonable Public Inspection
2175.305 Publications
2175.310 Board Web Site
2175.315 Documents Available from the Clerk's Office
2175.320 Requests for ~~For~~ Information

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: ACCESS TO BOARD RULES

Section
2175.400 Access to Board Rules in the Illinois Administrative Code

SUBPART E: RULEMAKING

Section
2175.500 Proposals
2175.505 Hearing
2175.510 First Notice
2175.515 Second Notice
2175.520 Adopted Rules
2175.525 Emergency Rules
2175.530 Peremptory Rules
2175.535 Rules Identical-In-Substance to Federal Regulations
2175.540 Federally Required Rules
2175.545 Generally Applicable Rules and Site-Specific Rules
2175.550 Clean Air Act Fast-Track Rulemaking
2175.555 Updating Incorporations By Reference

SUBPART F: ADJUDICATORY PROCEEDINGS

Section
2175.600 Adjudicatory Proceedings

SUBPART G: EMERGENCY PROCEDURES

Section
2175.700 Emergency Procedures For Filings
2175.710 Emergency Procedures For Hearings

2175.APPENDIX A~~:~~ Organizational Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Environmental Protection Act [415 ILCS 5/5].

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107,

effective December 21, 1984; old Part repealed at 20 Ill. Reg. 4796 and new Part adopted at 20 Ill. Reg. 4798, effective March 5, 1996; amended in R04-9 at 30 Ill. Reg. 14990, effective August 29, 2006; amended in R11-21 at 35 Ill. Reg. 4549, effective March 4, 2011; amended in R15-10 at 38 Ill. Reg. 22834, effective November 24, 2014.

SUBPART A: INTRODUCTION AND ORGANIZATION

Section 2175.110 Organization and Supervisory Relationships

a) Each member of the Board is aided by a confidential assistant who may be an attorney or who may have an advanced technical degree, and a personal secretary. The Chairman may have two confidential assistants and a personal secretary.

b) To carry out its functions, the Board is comprised of the following offices and units: Clerk's Office, Legal Unit, Technical Unit, and Fiscal Unit. The function of each is as follows:

1) Clerk's Office. This office is responsible for the processing, maintenance, and distribution of all regulatory and adjudicatory case related materials of the Board. The Clerk's Office is located in Chicago.

2) Legal Unit. This unit is responsible for general legal functions of the Board and case or rule-related legal responsibilities, as designated by the Chairman. Under the direction of the Senior Attorney, this unit ~~also~~ consists of attorneys responsible for conducting Board adjudicatory hearings throughout the State, making such rulings as may be necessary at hearing, and generally managing the Board's adjudicatory caseload.

3) Technical Unit. This unit is comprised of engineering and environmental specialists responsible for gathering such technical and scientific data as may be required by the Board in the performance of its duties and for advising the Board on technical issues related to pending adjudicatory cases and rulemakings, as assigned by the Chairman.

4) Fiscal Unit. Under the direction of a Fiscal Officer, this unit is responsible for budgeting, expenditures, procurement, computer operations, and related duties.

c) The Board may also employ other professional staff to carry out its functions and

mandates, including an Executive Director, a General Counsel,~~Coordinator,~~ a Public Information Coordinator, a Human Resources Manager, an Information Systems Analyst, and a Rulemaking Coordinator.

d) Organizational relationships are shown in the organizational chart in Appendix A at the end of this Part. Detailed descriptions of the specific responsibilities and duties of each of the job titles are maintained in the Board's Springfield or Chicago office.

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

Section 2175.120 Board Meetings

a) The Board makes all decisions on adjudicatory cases and regulatory matters at open meetings of the Board noticed and held in accordance with the Open Meetings Act [5 ILCS 120]. The Board may also hold meetings that are closed to the public pursuant to Section 2(c) of the Open Meetings Act [5 ILCS 120/2(c)], including closed deliberative sessions under Section 2(c)(4) of the Open Meetings Act [5 ILCS 120/2(c)(4)]. ~~The Board regularly holds closed deliberative sessions (see Sections 2175.125 and 2175.130 of this Part).~~

b) Open Board meetings may be held when a quorum of Board members is present. *If there is no vacancy on the Board, four members of the Board constitute a quorum; otherwise, a majority of the Board constitutes a quorum, and no vacancy impairs the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board constitutes the action of the Board.* [415 ILCS 5/5(a)]~~.~~

c) The Board may hold a closed meeting upon a majority vote of a quorum present taken at an open meeting for which notice has been given as required by the Open Meetings Act [5 ILCS 120/2a]. Closed meetings may be held when a majority of a quorum is present [5 ILCS 120/1.02].

d) Board members may attend meetings in the following ways:

1) Meetings, whether open or closed, may be held with Board members present physically or by videoconference. Closed meetings may also be held with Board members present telephonically.

2) If a quorum of Board members is present physically or by videoconference at an open meeting, a majority of the Board may allow a Board member to attend the meeting telephonically if the member cannot otherwise attend because of personal illness or disability, the business of the Board, or a family or other emergency. In such instances, the Board member who wishes to attend telephonically will notify the Clerk of the Board before the meeting unless advance notice is impractical.

e) Section 5 of the Act requires the Board to hold at least one open meeting each month and allows the Board to hold special and emergency meetings [415 ILCS 5/5]. The Chairman or two Board members may call a special or emergency meeting of the Board that is open to the public.

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

Section 2175.125 Public Notice of Open Board Meetings and Closed Deliberative Sessions

a) Public Notice of Regular Open Board Meetings and Closed Deliberative Sessions.

1) The Board adopts annual schedules of open meetings ~~and closed deliberative sessions~~. Regular open Board meetings are generally held twice a month, usually every first and third Thursday of the month at the James R. Thompson Center (JRTC) in Chicago or at the Board's Springfield office, but dates, times and locations are subject to change. ~~Regular closed deliberative sessions are generally held twice a month, usually every second and fourth Thursday of the month at the JRTC in Chicago or at the Board's Springfield office, but dates, times and locations are subject to change.~~

2) Notification of regular open Board meetings is given in the Board's Environmental Register, a monthly publication available in hard copy and on the Board's Web site (see Section 2175.310 of this Part). Notification of all regular open Board meetings and closed deliberative sessions is also provided pursuant to Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03].

A) At least 48 hours before each regular open Board meeting and closed deliberative session, an agenda for the meeting or session is posted at the Board's Chicago office and at any other location

where the meeting or session is to be held. Each such agenda is also posted on the Board's Web site and remains so posted at least until the regular meeting or session is concluded.

B) Notification of the annual schedule of regular open Board meetings ~~and closed deliberative sessions~~ is given at the beginning of each calendar~~fiscal~~ year by posting a copy of the schedule at the Board's Chicago office. In addition, the annual schedule is posted on the Board's Web site and remains so posted at least until a new public notice of the schedule of regular meetings and sessions is approved. The schedule of regular open Board meetings also appears at the end of every regular open Board meeting agenda.

b) Public Notice of Special or Emergency Meetings.

1) Whether a special or emergency meeting is an open Board meeting or a closed deliberative session, notice of a special or emergency meeting will generally be given to all Board members and the public at least 48 hours prior to the meeting. If, however, a majority of the Board certifies that an emergency exists and exigencies of time are such that the 48-hour notice must be dispensed with, notice to the public of an emergency meeting will be given as soon as is reasonably practicable, but prior to the holding of such meeting.

2) Notice of a special or emergency meeting will include a copy of the meeting agenda and will be posted at the Board's Chicago office, at any other location where the meeting is to be held, and on the Board's Web site (see Section 2175.310 of this Part), pursuant to Section 2.02 of the Open Meetings Act [~~(~~5 ILCS 120/2.02]~~)~~.

3) Notwithstanding subsections (b)(1) and (2) of this Section, at any open Board meeting for which notice has been given as required by the Open Meetings Act, the Board may, without additional notice under Section 2.02 of the Open Meetings Act [~~(~~5 ILCS 120/2.02]~~)~~, hold a special or emergency closed deliberative session. Only topics specified in the vote to close the meeting may be considered during the closed deliberative session [~~(~~5 ILCS 120/2a]~~)~~ (see Section 2175.120(c) of this Part).

c) Notice to Media. The Board gives notice of regular, special, or emergency

meetings, whether the meeting is an open Board meeting or a closed deliberative session, to any news medium that has filed an annual request for such notice under Section 2.02(b) of the Open Meetings Act [(5 ILCS 120/2.02(b)]).

d) Videoconference and Teleconference. Whether the meeting is a regular, special, or emergency meeting, the Board may hold its open meetings and closed deliberative sessions by videoconference between Chicago and Springfield locations. Such open Board meetings may be attended by the public at both locations. A Board member may attend an open Board meeting telephonically only in accordance with Section 2175.120(d)(2) of this Part. The Board may hold its closed deliberative sessions by teleconference.

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

SUBPART C: PUBLIC INFORMATION

Section 2175.305 Publications

a) Environmental Register

1) The Board's monthly publication, the Environmental Register, contains reports of the Board's activities and notices of meetings and hearings. Single hard copies are provided free of charge at the Board's Chicago and Springfield offices.

2) ~~A yearly hard copy subscription may be purchased, at a cost of $20 to defray reproduction and distribution charges, by contacting the Board's Chicago office. Government entities and not-for-profit organizations properly categorized as such under the Internal Revenue Code may request a free hard copy subscription to the Environmental Register. Proof of organizational status is required.~~

~~3)~~ The Environmental Register is provided free of charge on the Board's Web site (see Section 2175.310 of this Part).

b) Opinions, Orders, Regulations

1) Copies of opinions and orders of the Board are available as provided at Section 2175.205 of this Part, including through the Board's Web site (see

Section 2175.310 of this Part).

2) The Board's opinions and orders are also available through various commercial services including LEXIS and Westlaw.

3) The Board's regulations are published in the Illinois Register (see Section 2175.305(d) of this Part) and by various commercial services. They are also published periodically by the Agency by subtitle and are available in hard copy as quantities permit free of charge from the Board's Chicago office. Additionally, the Board maintains on its Web site the text of the Board's regulations set forth in Title 35 of the Illinois Administrative Code.

c) Annual Report

1) The Board publishes an Annual Report of the Chairman. The report includes information regarding the Board's membership, regulatory and case activities for the fiscal year, a summary of legislative activity affecting the Board, a summary of Board decisions reviewed by the courts during the fiscal year, and information on administrative activities.

2) When completed and printed, the Annual Report is available in hard copy free of charge in reasonable quantities from the Board's Chicago and Springfield offices. The Annual Report is also available free of charge from the Board's Web site (see Section 2175.310 of this Part).

d) Illinois Register

1) Required Filings. The Illinois Register is a publication containing all State regulations and is published by and available from the Office of the Secretary of State and various commercial services. The Board is required to publish the following information in the Illinois Register:

A) Notice of all proposed and adopted regulations as required by Section 5-40 of the IAPA [(5 ILCS 100/5-40]). The notices describe the rules, contain contact names for questions, and provide directions for participation at public hearings and submission of written comments.

B) Notice of all emergency and peremptory regulations as required by Sections 5-45 and 5-50 of the IAPA [(5 ILCS 100/5-45 and 5/50])). The notices describe the rules and contain contact names for questions.

C) Results of Board determinations in adjusted standards proceedings pursuant to Section 28.1 of the Act [(415 ILCS 5/28.1)]. The Board publishes this list at the close of each fiscal year, in July or August depending upon the Illinois Register publication schedule.

D) A regulatory agenda setting forth rules that the Board may be considering during a six-month period. This agenda lists rules before publication of the notice described in subsection (d)(1) of this Section. The regulatory agenda appears in January/February or July/August of each year, depending upon the Illinois Register publication schedule. The agenda describes the anticipated rules, contains contact names for questions, and provides directions for public participation.

2) Discretionary filings. Section 7.3 of the Act [(415 ILCS 5/7.3])) and Section 5-70(b) of the IAPA [(5 ILCS 100/5-70(b)])) allow the Board to publish other documents concerning its activities. These include notices of public hearings, and notices of proposed and adopted identical-in-substance rules as discussed in Section 7.2 of the Act [(415 ILCS 5/7.2])).

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

Section 2175.315 Documents Prepared by the Clerk's Office

Various documents are routinely prepared by and for the Clerk's Office for internal use by the Board and are also available for inspection and copying. ~~These include docket sheets, listings of adjudicatory cases and rulemakings by type and status sheets. Hard copies will be available within five working days of a request at a cost of $5.00 per page.~~

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

Section 2175.320 Requests for Information

a) Informal requests for information may be made to any Board office. Informal

requests will be filled promptly upon receipt of the request. However, where a request for information maintained by the Clerk's Office is made at a Board office other than the Chicago office, some delay may be necessary to allow for the Clerk's Office to provide the material. Inspection of documents can only take place at the Clerk's Office.

b) FOIA Requests:

1) A formal request for information pursuant to FOIA must state that it is a formal request pursuant to FOIA. The formal request must be addressed to the Board's FOI Officer~~Clerk of the Board~~, who: ~~will date-stamp the request upon receipt. All formal requests will be processed pursuant to the timeframe requirements set forth in FOIA. FOIA requires an initial response to the request be made within seven working days of receipt of the formal request, subject to extension.~~

A) Notes the date the public body receives the written request;

B) Computes the day on which the period for response will expire and makes a notation of that date on the written request;

C) Maintains an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and

D) Provides a copy to the Clerk's Office to create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

~~1)~~ ~~Any person whose formal request is denied by the Clerk may appeal such denial by filing a written notice of appeal addressed to the Chairman of the Board. The notice of appeal must include a copy of the formal request, the Clerk's denial letter, and a statement of why the person believes the denial was improper. The Chairman will determine in writing whether the Clerk's denial was proper or improper, and will notify the person within seven working days after receipt of the notice.~~

2) The Board will either comply with or deny a request for public records

within 5 business days after its receipt of the request, unless the time for response is properly extended under Section 3(e) of FOIA [5 ILCS 140/3(e)].~~If the Chairman affirms the denial or fails to take action within seven working days, the person may file suit in circuit court for injunctive or declaratory relief pursuant to Section 11 of FOIA (5 ILCS 140/11).~~

3) If denied, the requests will be denied pursuant to Sections 7 and 7.5 of FOIA [5 ILCS 140/7 and 7.5]. Upon a decision to deny a request, the FOIA officer shall notify the requester in writing of the decision and provide:

A) The reasons for denial, including a detailed basis for the exemption claimed,

B) The names and titles or positions of each person responsible for the denial,

C) Information on the right to review by the Public Access Counselor, and include the address and phone number for the Public Access Counselor, and

D) Information on the right to judicial review.

c) Information that is immediately available on request from the Clerk's Office includes, but is not limited to:

1) Board Meeting Agendas,

2) Board Meeting Minutes,

3) Board Opinions and Orders, and

4) Filings in cases available in the Clerk's Office On-Line.

(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

SUBPART E: RULEMAKING

Section 2175.535 Rules Identical-In-Substance to Federal Regulations

a) The Board adopts regulations in the following programs pursuant to Section 7.2 of the Act [(415 ILCS 5/7.2]) that are identical-in-substance to federal regulations and which are exempt from Sections 5-35 and 5-40 of the IAPA [(5 ILCS 100/5-35 and 5-40]):

1) Exemptions from the definition of volatile organic material: Section 9.1(e) of the Act [(415 ILCS 5/9.1(e)];),

2) Ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere: Section 10(H) of the Act [415 ILCS 5/10(H)];

32) Underground injection control (UIC): Section 13(c) of the Act [(415 ILCS 5/13(c)];),

43) Wastewater pretreatment: Section 13.3 of the Act [(415 ILCS 5/13.3];),

54) Safe Drinking Water Act (SDWA): Section 17.5 of the Act [(415 ILCS 5/17.5];),

65) Resource Conservation and Recovery Act (RCRA), Subtitle C, hazardous waste: Section 22.4(a) of the Act [(415 ILCS 5/22.4(a)];),

76) RCRA, Subtitle I, UST: Section 22.4(d) of the Act [(415 ILCS 22.4(d)];),

87) RCRA, Subtitle D municipal solid waste landfills: Section 22.40(a) of the Act [(415 ILCS 5/22.40(a)]).

b) Section 7.2(b) of the Act [(415 ILCS 5/7.2(b)]) provides timetables for rule adoption, but generally the Board must adopt rules within one year after the United States Environmental Protection Agency's (USEPA) adoption of the corresponding federal rule. The Board adopts a proposal for public comment that is published in the Illinois Register. The Board then accepts public comments for 45 days, after which the Board adopts final rules that are published in the Illinois Register.

c) Because Sections 5-35 and 5-40 of the IAPA [(5 ILCS 100/5-35 and 5-40]) do not apply to identical-in-substance rulemaking under Section 7.2 of the Act [(415

ILCS 5/7.2]}, the Board does not follow the IAPA's procedure of first notice, second notice, and final adoption.

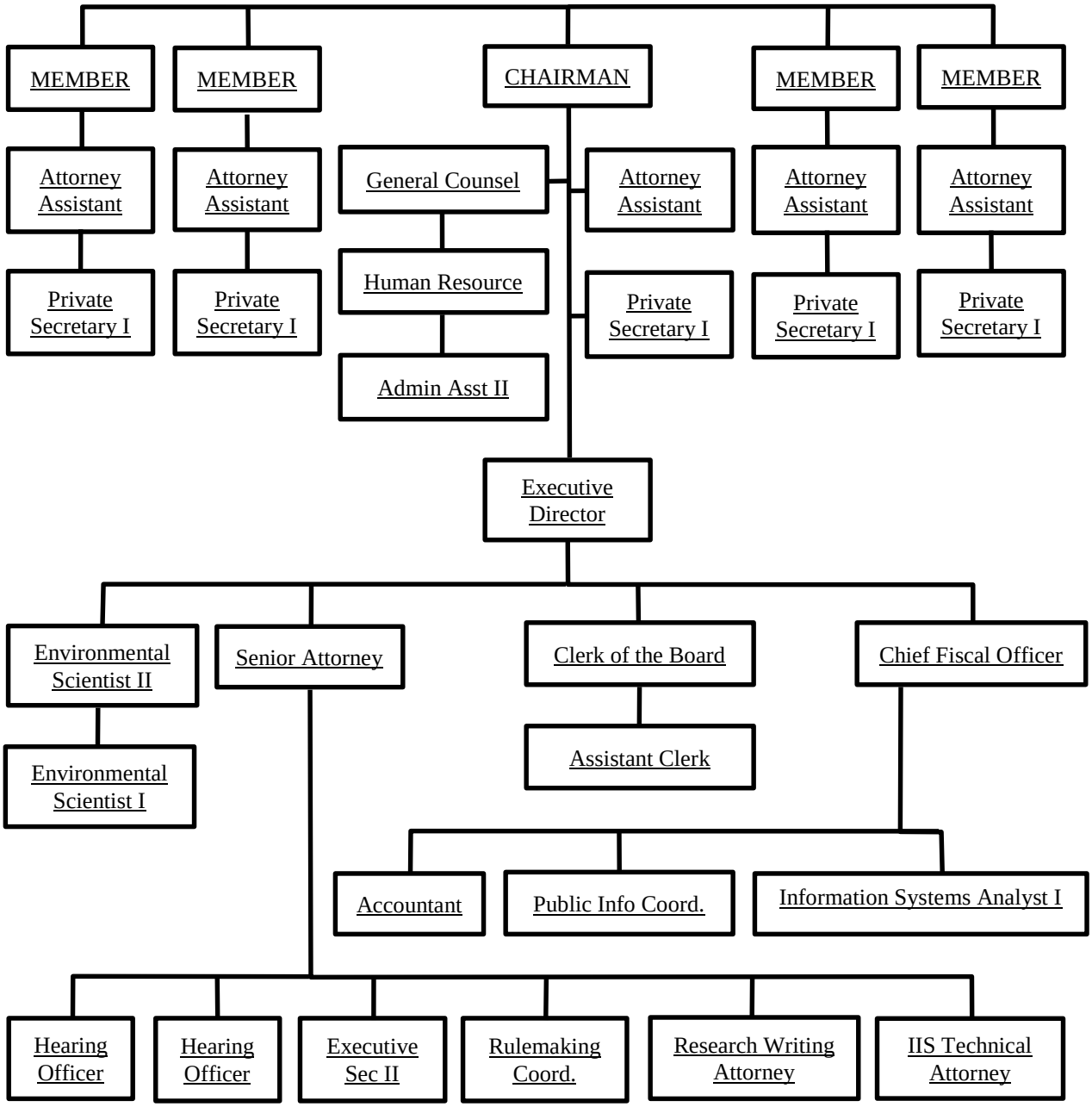
(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

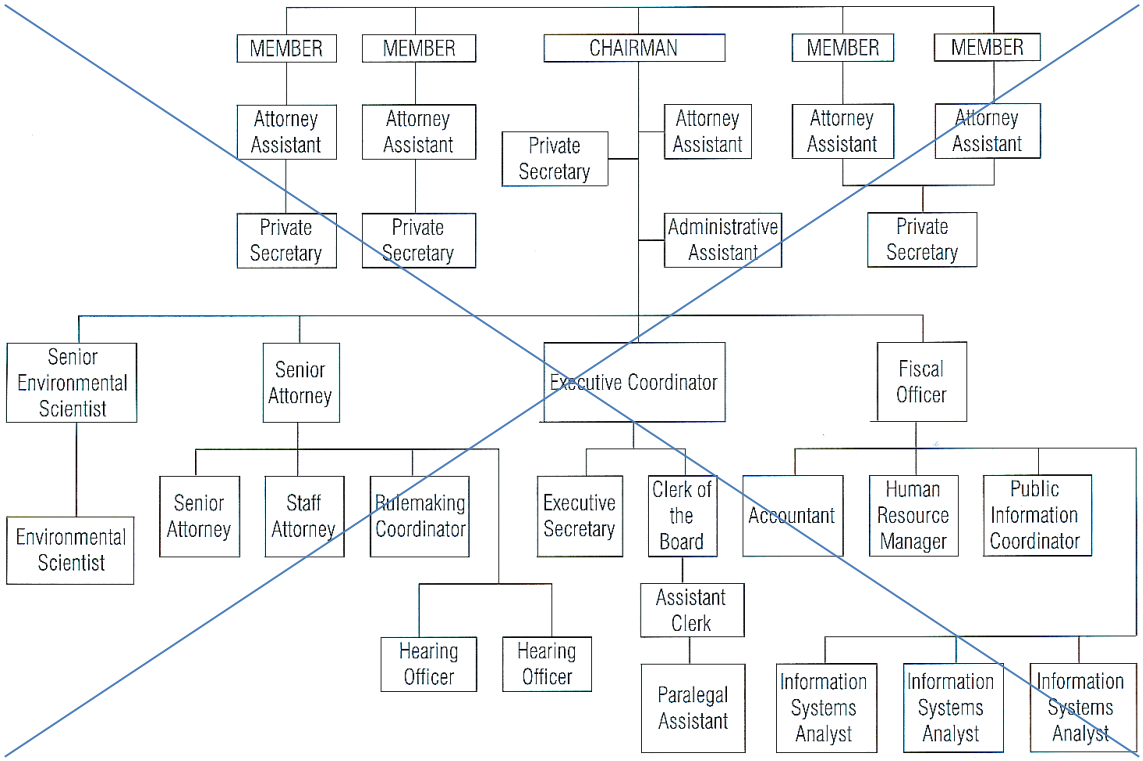
Section 2175.APPENDIX A Organizational Chart

ORGANIZATIONAL CHART



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 38 Ill. Reg. 22834, effective November 24, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 300

3)

Section Numbers:	Adopted Action:
300.6000	Repealed
300.6005	Repealed
300.6010	Repealed
300.6020	Repealed
300.6030	Repealed
300.6040	Repealed
300.6045	Repealed
300.6047	Repealed
300.6049	Repealed
300.6050	Repealed
300.6060	Repealed
300.6070	Repealed
300.6080	Repealed
300.6090	Repealed
300.6095	Repealed

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) Effective Date of Rule: November 21, 2014

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: June 6, 2014; 38 Ill. Reg. 11666

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

11) Differences between Proposal and Final Version: None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

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

13) Will this rulemaking replace an emergency rule currently in effect? No

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

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
300.1060	Amendment	38 Ill. Reg. 19444; October 3, 2014

15) Summary and Purpose of Rulemaking: Subpart T of the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300) established the minimum certification requirements for facilities that participated in the Illinois Department of Healthcare and Family Services' demonstration program for providing services to persons with serious mental illness. The passage of the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49] in May, 2013, effectively ended the demonstration program. Facilities that were previously licensed under Part 300 and certified under Subpart T of Part 300 are licensed under the new Act and the Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380).

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
300.110 General Requirements
300.120 Application for License
300.130 Licensee
300.140 Issuance of an Initial License for a New Facility
300.150 Issuance of an Initial License Due to a Change of Ownership
300.160 Issuance of a Renewal License
300.163 Alzheimer's Special Care Disclosure
300.165 Criteria for Adverse Licensure Actions
300.170 Denial of Initial License
300.175 Denial of Renewal of License
300.180 Revocation of License
300.190 Experimental Program Conflicting With Requirements
300.200 Inspections, Surveys, Evaluations and Consultation
300.210 Filing an Annual Attested Financial Statement
300.220 Information to Be Made Available to the Public By the Department
300.230 Information to Be Made Available to the Public By the Licensee
300.240 Municipal Licensing
300.250 Ownership Disclosure
300.260 Issuance of Conditional Licenses
300.270 Monitor and Receivership
300.271 Presentation of Findings
300.272 Determination to Issue a Notice of Violation or Administrative Warning
300.274 Determination of the Level of a Violation
300.276 Notice of Violation
300.277 Administrative Warning
300.278 Plans of Correction
300.280 Reports of Correction
300.282 Conditions for Assessment of Penalties
300.284 Calculation of Penalties (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.286 Notice of Penalty Assessment; Response by Facility
300.287 Consideration of Factors for Assessing Penalties
300.288 Reduction or Waiver of Penalties
300.290 Quarterly List of Violators (Repealed)
300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
300.310 Department May Survey Facilities Formerly Licensed
300.315 Supported Congregate Living Arrangement Demonstration
300.320 Waivers
300.330 Definitions
300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
300.510 Administrator

SUBPART C: POLICIES

Section
300.610 Resident Care Policies
300.615 Determination of Need Screening and Request for Resident Criminal History Record Information
300.620 Admission, Retention and Discharge Policies
300.624 Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625 Identified Offenders
300.626 Discharge Planning for Identified Offenders
300.627 Transfer of an Identified Offender
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.651 Whistleblower Protection
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.661 Health Care Worker Background Check
300.662 Resident Attendants
300.663 Registry of Certified Nursing Assistants
300.665 Student Interns
300.670 Disaster Preparedness

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.680 Restraints
300.682 Nonemergency Use of Physical Restraints
300.684 Emergency Use of Physical Restraints
300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690 Incidents and Accidents
300.695 Contacting Local Law Enforcement
300.696 Infection Control

SUBPART D: PERSONNEL

Section
300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section
300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1035 Life-Sustaining Treatments
300.1040 Care and Treatment of Sexual Assault Survivors
300.1050 Dental Standards
300.1060 Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

Section
300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Direct Care Staffing
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs
300.1440 Volunteer Program
300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section
300.1610 Medication Policies and Procedures
300.1620 Compliance with Licensed Prescriber's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section
300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
300.1860 Staff Responsibility for Medical Records
300.1870 Retention of Facility Records
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section
300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Meal Planning
300.2060 Therapeutic Diets (Repealed)
300.2070 Scheduling Meals
300.2080 Menus and Food Records
300.2090 Food Preparation and Service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.2100 Food Handling Sanitation
300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
300.2210 Maintenance
300.2220 Housekeeping
300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
300.2410 Furnishings
300.2420 Equipment and Supplies
300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
300.2610 Codes
300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
300.3210 General
300.3220 Medical Care
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality

300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section
300.3410 Application of Other Sections of These Minimum Standards (Repealed)
300.3420 Administrator (Repealed)
300.3430 Policies (Repealed)
300.3440 Personnel (Repealed)
300.3450 Resident Living Services Medical and Dental Care (Repealed)
300.3460 Resident Services Program (Repealed)
300.3470 Psychological Services (Repealed)
300.3480 Social Services (Repealed)
300.3490 Recreational and Activities Services (Repealed)
300.3500 Individual Treatment Plan (Repealed)
300.3510 Health Services (Repealed)
300.3520 Medical Services (Repealed)
300.3530 Dental Services (Repealed)
300.3540 Optometric Services (Repealed)
300.3550 Audiometric Services (Repealed)
300.3560 Podiatric Services (Repealed)
300.3570 Occupational Therapy Services (Repealed)
300.3580 Nursing and Personal Care (Repealed)
300.3590 Resident Care Services (Repealed)
300.3600 Record Keeping (Repealed)
300.3610 Food Service (Repealed)
300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section
300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section
300.4000 Applicability of Subpart S
300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing

in Facilities Subject to Subpart S
300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4040 General Requirements for Facilities Subject to Subpart S
300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES' DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section
300.6000 Applicability of Subpart T (Repealed)
300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)
300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section
300.7000 Applicability
300.7010 Admission Criteria
300.7020 Assessment and Care Planning
300.7030 Ability-Centered Care
300.7040 Activities
300.7050 Staffing
300.7060 Environment
300.7070 Quality Assessment and Improvement
300.7080 Variances to Enhance Residents' Quality of Life

300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F Guidelines for the Use of Various Drugs
300.APPENDIX G Facility Report
300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency

amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at

26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014.

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section 300.6000 Applicability of Subpart T (Repealed)

~~a) To be subject to this Subpart, a nursing facility shall request in writing to be subject to this Subpart and shall meet each of the following criteria:~~

~~1) 90% or more of the resident population of the nursing home has a diagnosis of serious mental illness;~~

~~2) No more than 15 percent of the resident population of the nursing home is 65 years of age or older;~~

~~3) None of the residents have a primary diagnosis of moderate, severe, or~~

~~profound mental retardation;~~

~~4) None of the residents require medical or nursing care at a level higher than the intermediate nursing care light level of care as defined in Section 300.1230(n) of this Part; and~~

~~5) The facility must participate in Illinois Department of Public Aid's demonstration program relating to specialized services, training, technical assistance, development and use of a standardized assessment tool, data collection, and admission restrictions.~~

~~b) A facility shall certify annually 150 to 120 days prior to license expiration that the facility meets all of the criteria listed in subsection (a) of this Section. A facility that has remained in compliance with admission practices in 89 Ill. Adm. Code 145 (Illinois Department of Public Aid (IDPA): Mental Health Services in Nursing Facilities) and has a resident population more than 15 percent of whom are 65 years of age or older may continue to participate if IDPA provides documentation that the facility has complied with admission practices for the 12 months preceding application.~~

~~c) A facility that has been subject to this Subpart may choose not to be subject to this Subpart by submitting a written notice to the Department within 30 days before the effective date of the facility's intent not to be subject to this Subpart.~~

~~d) For the purposes of this Subpart, "serious mental illness" is defined as the presence of a major disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A severe mental illness is determined by all of the following three areas:~~

~~1) Diagnoses that constitute a serious mental illness are:~~

~~A) Schizophrenia;~~

~~B) Delusional disorder;~~

~~C) Schizo-affective disorder;~~

~~D) Psychotic disorder not otherwise specified;~~

~~E) Bipolar disorder I - mixed, manic, and depressed;~~

~~F) Bipolar disorder II;~~

~~G) Cyclothymic disorder;~~

~~H) Bipolar disorder not otherwise specified I;~~

~~I) Major depression, recurrent;~~

~~2) In addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas:~~

~~A) Self-maintenance;~~

~~B) Social functioning;~~

~~C) Community living activities;~~

~~D) Work-related skills;~~

~~3) Finally, the disability must be of an extended duration expected to be present for at least a year, which results in a substantial limitation in major life activities. These individuals will typically also have one of the following characteristics:~~

~~A) Have experienced two or more psychiatric hospitalizations;~~

~~B) Receive Social Security Income (SSI) or Social Security Disability Income (SSDI) due to mental illness or could be deemed eligible for SSI or SSDI.~~

~~e) Facilities shall consider the location of a resident's room based on the resident's needs and the needs of other residents in the facility. Factors to be considered include aggressive behavior, supervision needs, noise level, friendship patterns, common rehabilitation goals or services, sleep patterns, interests, recreational~~

~~pursuits, and vulnerability.~~

~~f)~~ ~~The following Sections of this Part do not apply to facilities subject to this Subpart: 300.660, 300.663, 300.682, 300.684, 300.690, 300.820, 300.830, 300.1010, 300.1220, 300.1230, 300.1240, 300.4000, 300.4010, 300.4020, 300.4030, 300.4040, 300.4050, 300.4060, 300.4070, 300.4080, and 300.4090.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)

~~a)~~ ~~The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:~~

~~1)~~ ~~Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including, but not limited to:~~

~~A)~~ ~~Admission of residents appropriate to the capabilities of the facility;~~

~~B)~~ ~~Resident assessment;~~

~~C)~~ ~~Development and implementation of appropriate individualized psychiatric treatment plan;~~

~~D)~~ ~~Resident satisfaction;~~

~~E)~~ ~~Discharge planning;~~

~~F)~~ ~~Infection control; and~~

~~G)~~ ~~Balancing resident autonomy and safety.~~

~~2)~~ ~~Identification and analysis of problems.~~

~~3)~~ ~~Identification and implementation of corrective action or changes in response to problems.~~

~~b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:~~

~~1) A detailed statement of how problems will be identified;~~

~~2) The methodology and criteria that will be used to formulate action plans to address problems;~~

~~3) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent reoccurrence of problems;~~

~~4) Procedures for documenting the activities of the program; and~~

~~5) Identifying the persons responsible for administering the program.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)

~~a) The facility shall establish an Interdisciplinary Team (IDT) for each resident. The IDT is a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and that designs a program to meet those needs. The IDT includes, at a minimum, the resident; the resident's guardian; a Psychiatric Rehabilitation Services Coordinator (PRSC); the resident's primary service providers, including an RN or an LPN with responsibility for the medical needs of the individual; a psychiatrist; a social worker; an activity professional; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the IDT and participate in the process of identifying the resident's strengths and needs.~~

~~b) The IDT shall identify the individual's needs by performing a comprehensive assessment as needed to supplement any preliminary evaluation conducted prior to admission to the facility. The assessment shall be coordinated by a PRSC.~~

~~c) A comprehensive assessment shall be completed by the IDT no later than 14 days after admission to the facility. Reports from the pre-admission screening~~

~~assessment or assessments conducted to meet other requirements may be used as part of the comprehensive assessment if the assessment reflects the current condition of the individual and was completed no more than 90 days prior to admission. The assessment shall include at least the following:~~

~~1)~~ ~~A psychiatric evaluation completed by a board certified or board eligible psychiatrist or by a person who is a certified psychiatric nurse, a nurse with a Bachelor of Science in Nursing (BSN) and two years of experience serving individuals with serious mental illness or a registered nurse with five years of experience serving individuals with serious mental illness, a licensed clinical social worker, a physician, a licensed psychologist, or a licensed clinical professional counselor (LCPC) under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] if countersigned by a board certified or board eligible psychiatrist. The psychiatric evaluation shall include:~~

~~A)~~ ~~Psychiatric history with present and previous psychiatric symptoms;~~

~~B)~~ ~~Comprehensive mental status examination, which includes: a statement of assets and deficits, a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and~~

~~C)~~ ~~Diagnostic formulation, problems, and diagnosis using the Diagnostic and Statistical Manual IV (DSM-IV), ensuring that information is recorded on as many of the five axes as appropriate.~~

~~2)~~ ~~Psychosocial assessment performed by the Psychiatric Rehabilitation Services Director (PRSD), a social worker, an occupational therapist, or an LCPC or the Psychiatric Rehabilitation Services Coordinator (PRSC) if reviewed and countersigned by the PRSD, a social worker, or LCPC. The assessment shall cover the following points:~~

~~A)~~ ~~Identifying information (including resident's name, age, race, religion, date of admission; name of individuals giving information);~~

~~B)~~ ~~Reason for admission (including specific problems and how long the problems have existed in their current state; contributing factors to exacerbation of problems; most recent psychiatric treatment and effects; goals of nursing facility placement as articulated by referral source);~~

~~C)~~ ~~History of mental illness, treatment, and care (including age of onset; private and public hospital inpatient episodes; community mental health care; prior nursing facility placement; specific treatments and effects);~~

~~D)~~ ~~Personal history (including current marital status; marital history including name, occupation, and age of current and previous spouses; name, age, sex and occupation of children, if any; and status of significant personal relationships with individuals (past and present); work history of individual, including all known past professions and/or jobs);~~

~~E)~~ ~~Residential history (including, for the last two years, the types of housing (e.g., family, public housing, apartment, room, or community agency), relationship to other occupants, the total number of known moves; factors known to have contributed to past housing loss; the highest level of residential independence attained, approximate date and length; any patterns of persistent residential instability or homelessness);~~

~~F)~~ ~~Family history (including information regarding individual's parents and siblings; any significant family illnesses, especially psychiatric illnesses; history of traumatic or significant loss, including where, when and effect on individual); and~~

~~G)~~ ~~Developmental history (including early life history, place of birth, where raised and by whom and with whom; school history; and history regarding friends, hobbies, interests, social activities and interactions).~~

~~3)~~ ~~A skills assessment performed by a social worker, occupational therapist, or PRSC or PRSD with training in skills assessment. The skills assessment shall include an evaluation of the resident's strengths, an~~

~~assessment of the resident's levels of functioning, and recommendations for treatment and services, including but not limited to the following areas:~~

~~A) self-maintenance (including basic activities of daily living such as hygiene, dressing, grooming, maintenance of personal space, care of belongings, diet and nutrition, and personal safety);~~

~~B) social skills (including communication, peer group involvement, friendship, family interaction, male/female relationship, and conflict avoidance and resolution);~~

~~C) community living skills (including use of telephone, transportation and community navigation, avoidance of common dangers, shopping, money management, homemaking (cleaning, laundry, meal preparation), and use of community resources);~~

~~D) occupational skills (including basic academic skills; job seeking and retention skills; ability to initiate and schedule activities; promptness and regular attendance; ability to accept, understand and carry out instructions; ability to complete an application; and interview skills);~~

~~E) symptom management skills (including symptom monitoring and coping strategies; stress identification and management; impulse control; medication management and self-medication capability; relapse prevention); and~~

~~F) substance abuse management (including recovery, relapse prevention, and harm reduction).~~

~~4) Assessments and examinations required by Section 300.6047 of this Part.~~

~~5) Discharge plan as required by Section 300.6060 of this Part.~~

~~6) Other assessments recommended by the IDT or required elsewhere in this Subpart or as ordered by the resident's physician or psychiatrist to clarify diagnoses or to identify concomitant motivational, cognitive, affective, or physical deficits that could have an impact on rehabilitation efforts and outcomes, as indicated by the individual's needs.~~

~~7) A structured assessment of resident interests and expectations regarding psychiatric rehabilitation conducted by the PRSC or PRSD with each resident. The assessment shall include at a minimum:~~

~~A) resident's identification of personal strengths, goals, needs, and resources;~~

~~B) skill development and problem areas for which the resident expresses an interest in setting goals and participating in psychiatric rehabilitation programming;~~

~~C) resident's beliefs and confidence regarding his/her capacity to develop increased skills and independence.~~

~~d) Based on the results of all assessments, the PRSD or PRSC shall develop a narrative statement for the IDT review that summarizes findings regarding the resident's strengths and limitations; indicates the resident's expressed interests, expectations, and apparent level of motivation for psychiatric rehabilitation; and prioritizes needs for skill development related to improved functioning and increased independence. The IDT's assessment of overall rehabilitation focus for the resident shall also be identified as one of the following levels:~~

~~1) Basic skills training and supports with opportunities for community integration;~~

~~2) Intensive skills training and supports with an increasing focus on community integration; or~~

~~3) Advanced skills training and supports with active linkage and use of community services in preparation for expected discharge within six months.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)

~~a) At least every three months, the PRSC shall document review of the resident's progress, assessments and treatment plans. If needed, the PRSC shall inform the~~

~~appropriate IDT members of the change in resident's condition. The appropriate IDT member shall reassess the resident and update the resident's assessment, assuring the continued accuracy of the assessment.~~

~~b)~~ ~~*All persons admitted to a nursing home facility with a diagnosis of serious mental illness who remain in the facility for a period of 90 days shall be re-screened by the Department of Human Services or its designee at the end of the 90-day period, at 6 months, and annually thereafter to assess their continued need for nursing facility care and shall be advised of all other available care options.* (Section 2-104.3 of the Act) Complete comprehensive reassessments shall be conducted in the following areas:~~

~~1) Psychiatric evaluation;~~

~~2) Psychosocial assessment update (including significant events, e.g., death of a significant other since the last reassessment);~~

~~3) Skills assessment update, including an assessment of resident levels of functioning and reassessment or rehabilitation potential (an evaluation of the individual's strengths, potentials, environmental opportunities and ability/likelihood of achieving maximum functioning); and a narrative statement of the individual's strengths and potentials as they directly relate to the individual's functional limitations with recommendations for treatment and/or services, and the potential of the individual to function more independently. A complete reassessment shall be required if changes in the resident's functional level make the current assessment inapplicable. If a complete reassessment is not required, the update must include a narrative summary of the reevaluated assessment;~~

~~4) Recreational and leisure activities updates, including the resident's participation, perceived enjoyment, frequency of self-initiated involvement versus staff coaxing or refusal, and recommended interventions;~~

~~5) Physical examination update, including, but not limited to:~~

~~A) Medical history and medication history updates, including any illness, and changes in medical diagnosis and medication prescription or indication of administration compliance that has~~

~~occurred since the last assessment;~~

~~B)~~ ~~Oral screening updates completed by a dentist or registered nurse;~~

~~C)~~ ~~Nutritional update completed by a dietitian or the food service supervisor under the direction of the dietitian; and~~

~~6)~~ ~~Other assessments needed, as determined by the interdisciplinary team.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)

~~a)~~ ~~On admission, information received from the admission source (e.g., resident, family, preadmission screening (PAS) agent) shall be used to develop an interim treatment plan. In developing an individual's interim treatment plan (ITTP), the facility shall review the PAS/MH assessments and "Notice of Determination" and consider the use of this information in developing the interim treatment plan. The ITTP shall focus on those behaviors and needs requiring attention prior to development of the individualized treatment plan (ITP). Each ITTP shall be based on physician's orders and shall include diagnosis, allergies and other pertinent medical information. The following information shall also be considered, as appropriate, to allow for the identification and provision of appropriate services until a final plan is developed:~~

~~1)~~ ~~Known risk factors (e.g., wandering, safety issues, aggressive behavior, suicide, self-mutilation, possible victimization by others);~~

~~2)~~ ~~Observable resident medical/psychiatric conditions that may require additional immediate assessment or consultation;~~

~~3)~~ ~~Therapeutic involvement that might be of interest to the resident, be recommended based on referral information, aid in orientation or provide meaningful data for further professional assessment; and~~

~~4)~~ ~~Other known factors having an impact on the resident's condition (e.g., family involvement, social interaction patterns, cooperation with treatment planning).~~

~~b) An ITP shall be developed within 7 days after completion of the comprehensive assessment.~~

~~c) The plan for each resident shall state specific goals that are developed by the IDT. The resident's major needs shall be prioritized, and approaches or programs shall be developed with specific goals, to address the higher prioritized needs. If a lower priority need is not being addressed through a specific goal or program, a statement shall be made as to why it is not being addressed or how the need will be otherwise addressed.~~

~~d) The ITP shall contain objectives to reach each of the individual's goals in the plan. Each objective shall:~~

~~1) Be developed by the IDT;~~

~~2) Be based on the results obtained from the assessment process;~~

~~3) Be stated in measurable terms and identify specific performance measures to assess; and~~

~~4) Be developed with a projected completion or review date (month, day, year).~~

~~e) Services designed to implement the objectives in the resident's ITP shall specify:~~

~~1) Specific approaches or steps to meet the objective;~~

~~2) Planned skills training, skill generalization technique, incentive/behavior therapy, or other interventions to accomplish the objectives, including the frequency (number of times per week, per day, etc.), quantity (number of minutes, hours, etc.) and duration (period of time, e.g., over the next six months) and the supports necessary for the resident to participate;~~

~~3) The evaluation criteria and time periods to be used in monitoring the expected results of the intervention; and~~

~~4) Identification of the staff responsible for implementing each specific intervention.~~

~~f)~~ ~~Whenever possible, residents shall be offered some choice among rehabilitation interventions that will address specific ITP objectives using techniques suited to individual needs.~~

~~g)~~ ~~ITP Documentation:~~

~~1)~~ ~~Significant events that are related to the resident's ITP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, shall be documented.~~

~~2)~~ ~~The resident's response to the ITP and progress toward goals shall be documented in progress notes.~~

~~h)~~ ~~The ITP shall be reviewed by the IDT quarterly and in response to significant changes in the resident's symptoms, behavior or functioning; sustained lack of progress; the resident's refusal to participate or cooperate with the treatment plan; the resident's potential readiness for discharge and actual planned discharge; or the resident's achievement of the goals in the treatment plan.~~

~~i)~~ ~~The resident's ITP must be signed by all members of the IDT participating in its development, including the resident or the resident's legal guardian.~~

~~j)~~ ~~If the resident refuses to attend the IDT meeting, the PRSC shall meet with the resident to review and discuss the treatment plan as soon as possible, not to exceed 96 hours after the treatment plan review. Evidence shall be documented that the ITP was explained to the resident or legal guardian of the resident.~~

~~k)~~ ~~The resident's treating psychiatrist shall review and approve the resident's treatment plan as developed by the IDT. The date of this review and approval shall be entered on the resident's treatment plan and be signed by the attending psychiatrist.~~

~~l)~~ ~~The ITP shall be based upon each resident's assessed functioning level, appropriate to age, and shall include structured group or individual psychiatric rehabilitation services interventions or skills training activities, as appropriate, in the following areas:~~

~~1)~~ ~~Self-maintenance;~~

~~2) Social skills;~~

~~3) Community living skills;~~

~~4) Occupational skills;~~

~~5) Symptom management skills; and~~

~~6) Substance abuse management.~~

~~m) Activity interventions for individual residents shall be part of but not used to replace psychiatric rehabilitation programming and should provide for using skills in new situations. Activity programs shall comply with Section 300.1410 of this Part.~~

~~n) Residents' attendance in therapeutic programs shall be recorded.~~

~~o) The PRSC shall assess the reason for the failure to attend whenever a resident fails to attend at least 50 percent of any programs included in his or her ITP over a 30-day period. Within 14 days after noting this failure, the PRSC shall document why the resident's attendance was less then 50 percent and that the resident's attendance is, at the time of the documentation, more than 50 percent, or the PRSC shall conduct an IDT meeting. This IDT meeting shall result in a change in components of the resident's treatment plan or shall indicate why a change in not needed.~~

~~p) The PRSC is responsible for coordinating staff in the delivery of psychiatric rehabilitation services programs, oversight of data collection, and the review of the resident's performance.~~

~~1) At least quarterly, and prior to the treatment plan reviews, the PRSC shall meet with the resident to review and discuss the resident's current treatment plan, progress toward achieving the objectives, and obstacles inhibiting progress. Based upon this review, the PRSC, in consultation with the appropriate IDT members, shall revise the resident's ITP as needed. The revised treatment plan shall be submitted to the appropriate IDT members for review, approval and signature.~~

~~2) At least quarterly, the PRSC shall record the resident's response to treatment in the clinical record.~~

~~q) The psychiatric rehabilitation services aides shall record the resident's response to those areas overseen by the aide.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)

~~a) The psychiatric rehabilitation services program of the facility shall provide the following services as needed by residents of the facility:~~

~~1) 24 hours of continuous supervision, support and therapeutic interventions;~~

~~2) Psychotropic medication administration, monitoring, and self-administration;~~

~~3) Case management services and discharge preparation and training;~~

~~4) Psychiatric rehabilitation services addressing major domains of functioning and skills development: self-maintenance, social and community living, occupational preparedness, symptom management, and substance abuse avoidance;~~

~~5) Crisis services; and~~

~~6) Personal care assistance.~~

~~b) The psychiatric rehabilitation services programs in the facility shall be designed to improve or maintain the resident's level of functioning and independence.~~

~~c) The facility's psychiatric rehabilitation program shall have the following overall goals:~~

~~1) Encourage the engagement of each resident in his/her recovery and rehabilitation;~~

~~2) Increase acquisition, performance, and retention of skills to enhance~~

~~independence and promote community integration;~~

~~3) Support the progressive assumption of as much personal responsibility, self-management, and self-determination as each resident can manage;~~

~~4) Broaden the use of living, coping, and occupational skills to new environments with an ultimate goal of discharge to a more independent living arrangement, as appropriate;~~

~~5) Decrease psychotic, self-injurious, antisocial, and aggressive behaviors;~~

~~6) Decrease the impact of cognitive deficits as an impediment to learning new skills;~~

~~7) Foster the human dignity, personal worth, and quality of life of each resident; and~~

~~8) Support the testing and application of advanced or specialized psychiatric rehabilitation techniques that have demonstrated effectiveness in research settings and that address identified needs of individuals or groups of residents in the facility in conjunction with the demonstration project.~~

~~d) The psychiatric rehabilitation program shall provide education and training to maximize residents' capacities for self-management of psychotropic medications and utilization of other supportive mental health services, such as cooperation with a prescribed treatment regimen, self-medication, recognition of early symptoms of relapse, and interactive effects with other drugs and alcohol.~~

~~e) The facility shall have written policies and procedures related to smoking, including smoke-free areas, risk assessment for individuals who smoke, and the conditions and locations where smoking is permitted in the facility.~~

~~f) A facility shall document all leaves and therapeutic transfers. Such documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED ADMENDMENTS

Section 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)

~~a) The facility shall notify the Department of any incident or accident that has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents resulting in injury requiring the services of a physician, hospital, or police, or other service provider on an emergency basis and/or requiring the services of the coroner or fire department shall be reported to the Department.~~

~~1) Notification shall be made by faxing Section 300.Appendix G to (217)785-9182 within 24 hours after each serious incident or accident; or~~

~~2) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident; or~~

~~3) If the facility is unable to contact the Regional Office or use the fax number, notification shall be made by a phone call to the Department's toll-free complaint registry number.~~

~~b) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days after the occurrence.~~

~~c) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved.~~

~~d) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)

~~a) The facility shall have a written program of medical services, approved in writing by a physician, that reflects the philosophy of care provided, the policies relating to this philosophy, and the procedures for implementation of the services. The program shall emphasize the use of the resident's personal physician and arrangements, as needed, to effect prompt transfer to other facilities. The written program of medical services shall be followed in the operation of the facility.~~

~~b)~~ ~~Each resident admitted shall have a physical examination within five days prior to admission or within 14 days after admission. The examination report shall include at a minimum each of the following:~~

~~1)~~ ~~An evaluation of the resident's condition, including height, weight and nutritional status; diagnoses; plan of treatment; treatment and medication orders; permission for participation in activity programs as appropriate; an assessment of sensory and physical impairments; and a medical history, including history of allergies, surgeries, medications, and other significant medical conditions;~~

~~2)~~ ~~Documentation of the presence or absence of communicable diseases, such as tuberculosis infection, in accordance with Sections 300.1020 and 300.1025 of this Part; and~~

~~3)~~ ~~Documentation of the medical needs and plans for meeting those needs, including:~~

~~A)~~ ~~an assessment of proper treatment and assistive devices to maintain vision and hearing abilities; and~~

~~B)~~ ~~an assessment for specialized rehabilitative services, such as physical therapy, speech-language pathology and occupational therapy.~~

~~c)~~ ~~Each resident shall have an oral screening by a dentist or a nurse within 30 days after admission and annually thereafter.~~

~~d)~~ ~~The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident. The facility shall obtain and record the physician's plan of care or treatment of such accident, injury or change in condition at the time of notification.~~

~~e)~~ ~~The facility shall have a written agreement with one or more hospitals or other providers, as necessary, that indicates that the hospital, hospitals, or providers will provide diagnostic, emergency and routine acute care hospital services. (This requirement shall be waived when the facility can document to the satisfaction of~~

~~the Department that by reason of remote location or refusal of local hospitals to enter an agreement, it is unable to effect such an agreement.)~~

~~f)~~ ~~At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)

~~a)~~ ~~If a resident presents a behavioral emergency posing an immediate danger of serious injury to self or others and alternative interventions cannot ensure safety, restraint may be used for a brief period until emergency care and physical transportation to a hospital can be accomplished. The use of restraint is otherwise not permitted. In situations that are successfully resolved through manual holding lasting less than five minutes, without take-down to the ground or undue force, and without injury, transport to an emergency room/hospital is not required.~~

~~b)~~ ~~Restraint use shall be limited to the least amount of physical restriction and the briefest possible duration necessary to resolve the immediate danger.~~

~~c)~~ ~~The limitation on permitted restraint use applies to any physical restraint, including the physical take-down and prolonged restriction of movement by staff, as well as any mechanical restraint device. Gentle physical guidance, prompting and escort of a resident are not considered restraint.~~

~~d)~~ ~~Any resident being restrained until arrival of emergency transportation to the hospital shall be continuously monitored to ensure safety, avoid injury, and minimize discomfort. The resident's position shall be monitored to ensure that breathing is unrestricted. Resident hydration or toileting needs shall be addressed unless precluded by immediate safety concerns.~~

~~e)~~ ~~Nursing staff shall examine the resident as soon as possible, but within ten minutes after the start of the restraint.~~

~~f)~~ ~~The resident's psychiatrist shall be contacted immediately for medical direction. If the resident's psychiatrist is unavailable, the Psychiatric Medical Director shall be contacted.~~

~~g) The staff involved in the restraint shall be debriefed by the Director of Nursing regarding the events leading up to the restraint, take-down and/or application, and the resident's condition during the restraint. The resident shall be debriefed after return from the hospital.~~

~~h) The emergency use of physical restraints shall be documented in the resident's record, including:~~

~~1) The behavioral emergency that prompted the restraint, including preceding events, staff efforts to de-escalate the situation, and reasons for the use of restraint.~~

~~2) The date and time restraint began, the methods used in restraining the resident, the duration of restraint use, the time of release, and events surrounding release.~~

~~3) The names and titles of the staff responsible for applying restraint and for monitoring the resident, and those of any other staff involved in the incident.~~

~~4) Orders by the psychiatrist or psychiatric medical director notified of the restraint.~~

~~5) The emergency transportation utilized and the hospital to which the resident was taken.~~

~~6) Any injury or other negative impact to the resident.~~

~~7) The date of the scheduled care planning conference and results of the care plan review in light of the use of emergency restraint.~~

~~i) Facility staff, including security staff, shall receive a basic orientation to crisis prevention, safe take-down and restraint methods.~~

~~j) The facility shall maintain records of training related to the use of restraints and de-escalation practices provided to staff.~~

~~k) The facility's emergency use of physical restraint shall comply with Section~~

~~300.682(e), (f), (g), and (j).~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)

~~a) The facility shall develop and implement a psychiatric rehabilitation program. The program shall be designed to allow a wide array of group and individual therapeutic activities, including, but not limited to, the following:~~

~~1) Skills training programs and supports addressing a comprehensive range of skill areas, including the major domains of self-maintenance, social functioning, community living, occupational preparedness, symptom management, and substance abuse management. Skills training programs should:~~

~~A) Include available published, validated modules with highly structured curricula for teaching targeted skills (e.g., trainer's manuals and videotapes that demonstrate the skills to be learned);~~

~~B) Proceed within a training-to-mastery framework that addresses discrete sets of skill competencies, introduces targeted skills in a graded fashion, and regulates the difficulty of exercises to create a momentum of success;~~

~~C) Include focused instructions and modeling, frequent repetition of new material, auditory and visual representation, role playing and practice, and immediate positive feedback for attention and participation; and~~

~~D) Be adjusted in content, form and duration to match residents' profiles in terms of stress tolerance, learning impairments, and motivational characteristics. Environmental conditions shall be arranged to help compensate for deficits in resident concentration, attention, and memory (e.g., reduction of distracting stimuli and extensive use of supportive reminder cues), as needed.~~

~~2) Incentive programs, such as motivational interviewing, behavioral~~

~~contracting, shaping or individual positive reinforcement, and token economy.~~

~~3)~~ ~~Strategies for skill generalization, such as homework, in vivo training, resource management skills, problem-solving skills, and self-management skills (self-monitoring, self-evaluation and self-reinforcement).~~

~~4)~~ ~~Aggression prevention and management, including resident screening (history of aggressive and assaultive behavior, precipitating factors, signals of escalating risk, and effective de-escalation strategies); identification and modification of environment risk factors (e.g., physical plant and resident mix); provision of skills training, behavioral interventions, and appropriate psychopharmacological interventions based on individualized resident assessment; and policies and procedure for rapid response to behavioral emergencies.~~

~~5)~~ ~~Substance dependence and abuse management services, including toxicological screens, psychopharmacology, alcohol and drug education, group interventions, and recovery programs (e.g., Alcoholics Anonymous (AA), Narcotics Anonymous (NA), Mentally Ill Substance Abusers (MISA)).~~

~~b)~~ ~~The facility's psychiatric rehabilitation program shall be integrated with other services provided to residents by the facility to develop a cohesive approach to each resident's overall needs and consistent plan of care.~~

~~c)~~ ~~Each facility shall have a written description of the components provided by the psychiatric rehabilitation program. Documentation shall include a description of psychiatric rehabilitation principles, the specific rehabilitation techniques and methods, and the type/level of staff utilization in providing each service to the residents.~~

~~1)~~ ~~The facility's psychiatric rehabilitation program shall include specific components aimed at residents with multiple cognitive impairments.~~

~~2)~~ ~~The facility's psychiatric rehabilitation program shall develop, apply and evaluate strategies to create opportunities for residents to practice, transfer, and utilize skills both in the facility and in the broader community.~~

~~3) Resources utilized outside the facility for service provision, consultation or referrals shall be included in this documentation.~~

~~d) The facility's psychiatric rehabilitation program shall demonstrate close working alliances with community mental health and vocational service providers through such indicators as joint staff training and planning activities, mutual referrals, collaborative resident treatment planning, and effective resident transition.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)

~~a) As part of the ITP, a discharge plan shall be considered by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan shall address the reduction of symptoms and the acquisition of behaviors and prioritized skill deficits that inhibit the individual from moving to a more independent environment.~~

~~b) During the year, but no later than six weeks prior to a planned discharge, preparation for discharge shall address:~~

~~1) Identification and linkage to proposed community providers;~~

~~2) Self-directed initiation and compliance with mental health services while in the facility;~~

~~3) Use of community mental health services;~~

~~4) Assistance with locating and securing housing; and~~

~~5) Assistance with identification, application and securing financial resources.~~

~~c) At least 30 days before the individual's planned discharge, the PRSC must notify the individual or the individual's legal representative and, when appropriate, the individual's family, both orally and in writing, of the upcoming planned discharge. A specific, individualized post-discharge plan must be developed by~~

~~the IDT, and, when appropriate, with input from community support agencies, family and friends, 30 days before the planned discharge. The plan will identify:~~

~~1) The alternative living site;~~

~~2) Financial resources available;~~

~~3) Community service needs and availability;~~

~~4) Community mental health services with scheduled psychiatric appointments;~~

~~5) Access to medical care and medications; and~~

~~6) Case management system responsible for transition and follow-up.~~

~~d) The discharge plan shall consider the resident's geographic preference upon discharge and the need for financial assistance.~~

~~e) Referral and linkage to the post-discharge service provider should occur with face-to-face contact, on-site visits and, if appropriate, assumption of partial services prior to discharge.~~

~~f) At the time of discharge, the facility shall:~~

~~1) Prepare a discharge summary of the resident's current psychiatric status; self-care skills; behavior and impulse control; social functioning; community living skills; basic educational, vocational and work-related skills; substance abuse history; and general health status. Dates of resident's pre-discharge contact with the aftercare agency shall be included, as well as specific issues that may have a negative impact on community adjustment. The discharge plan shall also include recommendations for transitional programming and the name, address, telephone number, and time and date of the resident's first post-discharge appointment with the aftercare service provider.~~

~~2) Provide the post-discharge plan of care and the discharge summary to the resident's new service provider.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)

~~a) In-house facility work programs for individual residents participating in the psychiatric rehabilitation program shall be considered to increase work-related skills, further residents' socialization, foster independence, and increase a sense of well-being and adjustment.~~

~~b) The facility shall work with State and community agencies in assisting individual program residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, supportive employment, sheltered workshop programs, and other similar programs that are provided outside of the facility.~~

~~c) Appropriate records shall be maintained for residents functioning in work programs in the facility or outside the facility. These shall show appropriateness of the program for the individual; objectives; resident duties, training and supervision; resident's response to the program; and any other pertinent observations. This information shall become a part of the resident's record.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)

~~Community-based (off-site) rehabilitation programs shall be used as an adjunct to the facility program where their use will assist in community reintegration or in the development of relationships with the agency that will be providing services to the individuals after discharge. The facility shall develop and maintain working relationships and written agreements with community agencies that provide psychiatric rehabilitation services. Appropriate records shall be maintained for residents receiving psychiatric rehabilitation services from outside agencies. These records shall show the appropriateness of the program for the individual, the ITP objectives addressed, the interventions being utilized, the resident's response to the program, the responsible community agency staff, and any other pertinent observations.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)

~~a)~~ ~~Psychiatric Medical Director~~

~~1)~~ ~~The facility shall have a psychiatric medical director who is an Illinois licensed physician and is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the administrator and the Psychiatric Rehabilitation Services Director on the overall psychiatric management of the residents.~~

~~2)~~ ~~The psychiatric medical director shall be the medical director of the entire facility or only for the psychiatric rehabilitation program. If the psychiatric medical director is only responsible for the psychiatric rehabilitation program, there shall be communication linkages between the psychiatric medical director and the medical director.~~

~~3)~~ ~~The psychiatric medical director shall be responsible for annually approving in writing the facility's written policies and procedures applicable to the psychiatric rehabilitation program.~~

~~4)~~ ~~Each resident shall be under the care of a psychiatrist. All residents or residents' guardians shall be permitted their choice of psychiatrist.~~

~~5)~~ ~~Each resident shall be seen by a psychiatrist at least every 90 days and as often as necessary to ensure adequate psychiatric treatment.~~

~~b)~~ ~~Psychiatric Rehabilitation Services Director~~

~~1)~~ ~~A Psychiatric Rehabilitation Services Director (PRSD) shall be a licensed, registered, or certified psychiatrist, psychologist, social worker, occupational therapist, rehabilitation counselor, psychiatric nurse or licensed professional counselor and have a minimum of at least one year of supervisory experience and at least one year of experience working directly with persons with serious mental illness.~~

~~2)~~ ~~An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Director on January~~

~~1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual is not a licensed, registered, or certified psychiatrist, psychologist, social worker, rehabilitation counselor, psychiatric nurse or licensed professional counselor. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete the required training.~~

~~3) Each facility shall have a full-time PRSD for the psychiatric rehabilitation program who is assigned responsibility for:~~

~~A) Developing and implementing the facility's psychiatric rehabilitation program;~~

~~B) Developing and implementing the facility's staff training and in-service programs relating to the psychiatric rehabilitation program; and~~

~~C) Ensuring the coordination and monitoring of the residents' participation in the psychiatric rehabilitation program ITP.~~

~~4) The PRSD shall ensure that each resident's ITP is developed by an interdisciplinary team and is individualized, states the progressive goals of treatment, includes measurable objectives, is written in behavioral terms, is understandable and acknowledged by resident and staff, and is implemented.~~

~~5) The PRSD shall ensure that residents' needs are met through appropriate staff interventions and community resources and, whenever possible, that residents and their families or significant others are involved in the preparation of their plan of care.~~

~~6) The PRSD shall ensure the availability of education and information for family members of residents.~~

~~e) Psychiatric Rehabilitation Services Coordinator~~

~~1)~~ ~~A Psychiatric Rehabilitation Services Coordinator (PRSC) shall be an occupational therapist or possess a bachelor's degree in a human services field (including but not limited to: sociology, special education, rehabilitation counseling or psychology) and have a minimum of one year of supervised experience in mental health or human services.~~

~~2)~~ ~~An individual who is employed at a licensed nursing home in a capacity similar to that of a Psychiatric Rehabilitation Services Coordinator on January 1, 2002 and who has at least five years of experience in that capacity may petition the Department for approval to continue to act in that role even if the individual does not possess a bachelor's degree in human services. The Department will consider information submitted in accordance with subsection (i) of this Section in deciding whether to grant approval. The Department may revoke approval if the individual fails to continue to meet professional standards or to complete required training.~~

~~3)~~ ~~Each resident admitted to the facility shall have a PRSC to act as a case manager. The PRSC will be identified as the staff member to whom the resident primarily relates for the coordination of service.~~

~~4)~~ ~~The responsibilities of the PRSC are:~~

~~A)~~ ~~To provide the resident with a stable therapeutic relationship;~~

~~B)~~ ~~To orient the resident to the facility;~~

~~C)~~ ~~To review and assist the resident in understanding the treatment plan and program schedule;~~

~~D)~~ ~~To prepare and assist the resident with active participation in the treatment plan review;~~

~~E)~~ ~~To provide the delivery of the psychiatric rehabilitation services;~~

~~F)~~ ~~To coordinate the delivery of the psychiatric rehabilitation services; and~~

~~G)~~ ~~To monitor the resident in the areas of self-directed care and for overall compliance with the treatment plan.~~

5) ~~There shall be a PRSC for each 20 participants.~~

d) ~~Director of Nursing~~

1) ~~A supervisory nursing position shall be established titled Director of Nursing (DON). The DON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week. This position shall not be included in the requirement for nursing staff coverage.~~

2) ~~The DON shall be a registered nurse, preferably with at least one year's clinical experience in a mental health setting or a master's degree in psychiatric nursing.~~

3) ~~The DON, in consultation with the facility's medical director, shall be responsible for the development and implementation of the facility's overall medical policies and practices, including:~~

A) ~~The administration, monitoring, and observation of resident medications;~~

B) ~~The medication education, compliance and self-administration program;~~

C) ~~The monitoring and coordination of residents' physical care, medical appointments, and diagnostic consultation;~~

D) ~~The health education of residents; and~~

E) ~~The supervision of the facility's nursing personnel.~~

e) ~~Assistant Director of Nursing~~

1) ~~An Assistant Director of Nursing (ADON) position shall be established in facilities of 300 beds or more. The ADON shall be a full-time employee who is on duty at least 36 hours per week and at least four days per week.~~

2) ~~The ADON shall be a licensed nurse, preferably with at least one year of experience working with the chronically mentally ill.~~

~~3) In consultation with the DON, the ADON shall be responsible for the direct supervision, monitoring and implementation of the facility's medical policies and residents' health services.~~

~~f) Nursing Staff~~

~~1) Adequate nursing personnel shall be provided to meet the medication, education and health needs of residents, and not fewer than one nurse per 40 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one nurse to every 40 individuals being served).~~

~~2) Facilities shall have at least one licensed nurse (licensed practical nurse or registered nurse) on duty at all times.~~

~~3) Licensed practical nurses shall have successfully completed a pharmacology course or have at least one full year of full-time supervised experience in administering medications in a health care setting prior to employment.~~

~~g) Psychiatric Rehabilitation Services Aide~~

~~1) Beginning January 1, 2003, sufficient psychiatric rehabilitation services aides (PRSAs) or persons who have successfully completed a psychiatric rehabilitation certificate program shall be on duty all hours of each day to provide services that meet the needs of the residents, and no fewer than one PRSA per 10 residents in a 24 hour period shall be provided (i.e., a full-time equivalent ratio of one PRSA for every 10 individuals being served). Prior to January 1, 2003, if the facility does not employ PRSAs, the facility may employ certified nursing assistants (CNAs) if the following minimum training is provided within 30 days after the CNA's first day of employment:~~

~~A) Understanding the impact of serious mental illness;~~

~~B) Understanding the role of psychiatric rehabilitation, including how to manage psychiatric disabilities and countering stigma and discrimination;~~

~~C) Confidentiality;~~

~~D) Preventive strategies for managing aggression and crisis intervention;~~

~~E) Goals and function of case management;~~

~~F) Appropriate verbal and physical interaction;~~

~~G) Communication skills between staff and resident; and~~

~~H) Basic psychiatric rehabilitation techniques and service delivery.~~

~~2)~~ ~~*A facility shall not employ an individual as* a PRSA *unless the facility has inquired of the Department as to information in the Department's Nurse Aide Registry concerning the individual.* (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry, if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)~~

~~3) The facility shall ensure that each PRSA complies with one of the following conditions:~~

~~A) Is approved on the Department's Nurse Aide Registry. "Approved" means that the PRSA has met the training or equivalency requirements of Section 300.663 of this Part and does not have a disqualifying criminal background check without a waiver.~~

~~B) Begins an approved Psychiatric Rehabilitation Services Aide Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The PRSA shall successfully complete the training program within 120 days after the date of initial employment. An aide enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed more than 120 days prior to successfully completing the program.~~

~~C) Within 120 days after initial employment, submits documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Nurse Aide Registry.~~

~~4) Each person employed by the facility as a PRSA shall meet each of the following requirements:~~

~~A) *Be at least 16 years of age, of temperate habits and good moral character, honest, reliable, and trustworthy* (Section 3-206(a)(1) of the Act);~~

~~B) *Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents* (Section 3-206(a)(2) of the Act);~~

~~C) *Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment* as a PRSA (Section 3-206(a)(3) of the Act);~~

~~D) *Have completed at least eight years of grade school or provide proof of equivalent knowledge* (Section 3-206(a)(4) of the Act).~~

~~5) *The facility shall certify that each* PRSA employed by the facility *meets the requirements of this Section.* The certification *shall be retained by the facility as part of the employee's personnel record.* (Section 3-206(d) and (e) of the Act)~~

~~6) During inspections of the facility, the Department may require PRSAs to demonstrate competency in the principles, techniques, and procedures covered by the basic PRSA training program curriculum described in the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395), when possible problems in the care provided by aides or other evidences of inadequate training are observed. The State approved manual skills evaluation testing format and forms will be used to determine competency of an aide when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the PRSA training principles and techniques relative to the procedures in which the aides are found to~~

~~be deficient during inspection (see 77 Ill. Adm. Code 395).~~

~~h) Registry of Certified Psychiatric Rehabilitation Services Aides~~

~~1) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Programs Code and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Section 3-206.01 and 3-206.02 of the Act.~~

~~2) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:~~

~~A) Documentation of current registration from another state as a PRSA.~~

~~B) Documentation of successful completion of a PRSA training course approved by another state as evidenced by a diploma, certification or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements for PRSAs in the Long-Term Care Assistants and Aides Training Programs Code.~~

~~i) An individual petitioning the Department to continue acting as a PRSD or a PRSC even if that person does not meet formal education requirements shall submit the following information to the Department:~~

~~1) Work history;~~

~~2) Education since high school;~~

~~3) Employment references;~~

~~4) A statement that the person was working in a capacity similar to the position for which he/she is seeking recognition; and~~

~~5) Any other information that supports that the person is capable of meeting~~

~~the professional standards of the position.~~

~~Within one year after the petition is approved, the individual shall complete the training offered by IDPA for PRSC/PRSD, as applicable.~~

~~j)~~ ~~Consultants~~

~~1)~~ ~~A facility may use consultants with advanced professional degrees who meet the same requirements as facility personnel under this Subpart to provide psychiatric rehabilitation services and to provide expertise in the development and implementation of the facility's psychiatric rehabilitation services program and individual resident assessment and care planning.~~

~~2)~~ ~~All consultants providing services at the facility who are not physicians shall complete the Illinois Department of Public Aid-approved Psychiatric Rehabilitation Training Program.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

Section 300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

~~a)~~ ~~Within the first 12 months after the facility elects to comply with Subpart T, the Psychiatric Rehabilitation Services Director, Psychiatric Rehabilitation Services Coordinator and the Director of Nursing shall complete an Illinois Department of Public Aid-approved training program.~~

~~b)~~ ~~Within 12 months after completing the IDPA-approved training and annually thereafter, the PRSD, PRSC, and DON shall participate in at least six continuing education units on psychiatric rehabilitation.~~

~~c)~~ ~~All consultants who are not physicians providing services at the facility shall complete the IDPA-approved Psychiatric Rehabilitation Training Program.~~

(Source: Repealed at 38 Ill. Reg. 22851, effective November 21, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

1) Heading of the Part: Specialized Mental Health Rehabilitation Facilities Code

2) Code Citation: 77 Ill. Adm. Code 380

3)

Section Numbers:	Adopted Action:
380.100	New Section
380.110	New Section
380.120	New Section
380.130	New Section
360.140	New Section
380.150	New Section
380.160	New Section
380.170	New Section
380.180	New Section
380.190	New Section
380.200	New Section
380.210	New Section
380.220	New Section
380.300	New Section
380.310	New Section
380.320	New Section
380.330	New Section
380.400	New Section
380.410	New Section
380.420	New Section
380.430	New Section
380.440	New Section
380.500	New Section
380.510	New Section
380.515	New Section
380.520	New Section
380.530	New Section
380.540	New Section
380.550	New Section
380.560	New Section
380.570	New Section
380.580	New Section
380.600	New Section
380.610	New Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

380.620	New Section
380.630	New Section
380.640	New Section
380.650	New Section
380.660	New Section
380.670	New Section
380.700	New Section
380.710	New Section
380.720	New Section
380.730	New Section
380.740	New Section
380.750	New Section
380.760	New Section
380.770	New Section
380.780	New Section

4) Statutory Authority: Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]

5) Effective Date of Rule: November 21, 2014

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: June 6, 2014; 38 Ill. Reg. 11713

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

11) Differences between Proposed and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

In Section 380.100, the definition for "Sentinel event" was deleted.

In Section 380.120, a new subsection (c) was inserted: "c) A facility licensed under the Act and this Part may voluntarily close, and the facility may reopen in an underserved region of the State, if the facility receives a certificate of need

from the Health Facilities and Services Review Board. At no time shall the total number of licensed beds under the Act and this Part exceed the total number of licensed beds existing on July 22, 2013 (the effective date of Public Act 98-104). (Section 1-105(c) of the Act)"

In Section 380.130, a new subsection (5) was inserted in subsection (k).

In Section 380.150(d)(10), the First Notice language was deleted and replaced with: "A consumer shall be asked to consent to the administration of a new psychotropic medication in a dosage or frequency that exceeds the maximum recommendation daily dosage as found in the Physician's Desk Reference only when the reason for exceeding the recommended daily dosage is explained to the consumer by a nurse, physician, or psychiatrist, and the reason for exceeding the recommended daily dosage is justified by the prescribing physician or psychiatrist in the clinical record. The dosage and frequency shall be reviewed and re-justified by the prescriber on a weekly basis and reviewed by a consulting pharmacist. The justification for exceeding the recommended daily dosage shall be recorded in the consumer's record, and shall be approved, in writing, by the medical director of the facility."

In Section 380.160(c), a new subsection (4) was inserted.

In Section 380.300(c), "Referrals also may come from a consumer's family, a community-based behavioral health provider, a hospital, a federally qualified health center, schools such as a college or university, or via a court order." was deleted and replaced with "Consumers may access a triage center from a number of referral sources, including family, emergency rooms, hospitals, community behavioral health providers, federally qualified health providers, or schools, including colleges or universities. (Section 1-102 of the Act)".

In Section 380.300, a new subsection (j) was inserted: "j) A triage center may be located in a building separate from the licensed location of a facility, but shall not be more than 1,000 feet from the licensed location of the facility and must meet all of the facility standards applicable to the licensed location. If the triage center does operate in a separate building, safety personnel shall be provided, on site, 24 hours per day and the triage center shall meet all other staffing requirements without counting any staff employed in the main facility building. (Section 1-102 of the Act)"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

In Section 380.320(b), "be in need of recovery and rehabilitation supports units as determined by State-authorized assessment, level of service determination, and authorization criteria." was inserted after "shall" and the colon was deleted.

The language of Section 380.330(b)(1) was changed to, "Be in need of transitional living assistance and support as determined by State-authorized assessment, level of service determination, and authorization criteria".

In Section 380.520(a)(5), "Cost and reimbursement information" was changed to "Consumer charges".

In Section 380.550(a), the definition for "Physical abuse" was deleted.

The following changes were made in response to comments and suggestions of JCAR:

In Section 380.330(a), ", and no unit shall be larger than 16 beds" was inserted after "days".

In Section 380.330(b)(2), "an exacerbation of serious mental illness" was inserted after "for" and ". as determined by complications of any of the requirements diagnoses in subsection (b)(2)" was deleted.

In Section 380.330, a new subsection (c) was inserted:

In Section 380.330(i), "or dietetic services supervisor" was inserted after "dietitian".

In Section 380.330(j), in (j)(1), "25% of each full time equivalent work week" was changed to "30 minutes per week, per consumer" and "and be on the unit at least three days per week" was inserted after "unit"; in (j)(3), "four hours per day, seven days per week" was changed to "90 minutes per consumer per week" and "An MHP may substitute for a CRSS if the facility has documented efforts, at least every six months, to employ a CRSS in compliance with Section 380.130(k)" was inserted at the end of the subsection; in (j)(4), "and casework" was inserted after "health"; and subsections (5) and (6) were deleted.

In Section 380.330, three new subsections, (k), (l), and (m), were inserted.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: Part 380 implements the Specialized Mental Health Rehabilitation Act of 2013. Its six Subparts address provisional licensure, licensure, training of staff, the assessment of consumers, physical plant requirements, and the care to be provided to consumers in the four levels of service to be provided in specialized mental health rehabilitation facilities.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 380
SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
380.100 Definitions
380.110 Incorporated and Referenced Materials
380.120 Applicability and General Requirements
380.130 Staff Qualifications and Training Requirements
380.140 Consumer Rights and Choices
380.150 Informed Consent
380.160 Restraints and Therapeutic Separation
380.170 Consumer Background Checks
380.180 Identified Offenders
380.190 Consumer Records
380.200 Assessment, Level of Service Determination, and Authorization
380.210 Individualized Treatment Plan
380.220 Transfer or Discharge

SUBPART B: SPECIALIZED MENTAL HEALTH
REHABILITATION FACILITIES PROGRAMS

Section
380.300 Triage Centers
380.310 Crisis Stabilization Units
380.320 Recovery and Rehabilitation Supports Centers
380.330 Transitional Living Units

SUBPART C: PROGRAM PERSONNEL

Section
380.400 Employee Personnel Policies and Records
380.410 Initial Health Evaluation for Employees, Interns and Volunteers
380.420 Health Care Worker Background Check

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

380.430 Executive Director
380.440 Psychiatric Medical Director

SUBPART D: ADMINISTRATION

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380.500 Required Policies and Procedures
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380.515 Reportable Performance Indicators
380.520 Information to Be Made Available to the Public
380.530 Incidents, Accidents and Emergency Care
380.540 Abuse, Neglect and Theft
380.550 Contacting Local Law Enforcement
380.560 Care and Treatment of Sexual Assault Survivors
380.570 Fire Safety and Disaster Preparedness
380.580 Research

SUBPART E: SUPPORT SERVICES AND ENVIRONMENT

Section
380.600 Required Support Services
380.610 Physician Medical Services
380.620 Health/Nursing Services
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380.640 Infection Control and Vaccinations
380.650 Dietetic Services
380.660 Dental Services
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SUBPART F: LICENSURE REQUIREMENTS

Section
380.700 Licensure Application Requirements
380.710 Application Process and Requirements for a Provisional License
380.720 Plan of Operation
380.730 Requirements for Accreditation
380.740 Surveys and Inspections
380.750 License Sanctions and Revocations
380.760 Citation Review and Appeal Procedures

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

380.770 Safety, Zoning and Building Clearances
380.780 Special Demonstration Programs and Services

AUTHORITY: Implementing and authorized by the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49].

SOURCE: Emergency rule adopted at 38 Ill. Reg. 11819, effective May 22, 2014, for a maximum of 150 days; emergency expired October 18, 2014; adopted at 38 Ill. Reg. 22897, effective November 21, 2014.

SUBPART A: GENERAL PROVISIONS

Section 380.100 Definitions

Act – the Specialized Mental Health Rehabilitation Act of 2013.

Activities of daily living or ADL – a consumer's abilities to bathe, dress and groom; transfer and ambulate; use the toilet; eat; and use speech, language or other functional communication systems.

Abuse – any physical or mental injury or sexual assault inflicted on a consumer other than by accidental means in a facility. (Section 1-102 of the Act)

Physical abuse means the infliction of injury or threat of injury by a consumer upon himself or herself, or by another consumer, a staff or a visitor on a consumer, that occurs other than by accidental means.

Verbal abuse means the use of demeaning, intimidating or threatening words, written or oral, or gestures, by another consumer, a staff or a visitor about, or toward, a consumer and in the presence of another person.

Accreditation – recognition by *any of the following* that a program meets their nationally-recognized standards of behavioral health care:

the Joint Commission;

the Commission on Accreditation of Rehabilitation Facilities;

the Healthcare Facilities Accreditation Program; *or*

any other national standards of care as approved by the Department. (Section 1-102 of the Act)

Active treatment – treatment that addresses an acute crisis in a consumer and that facilitates a return to a community setting. Active treatment includes, but is not limited to, therapy, family meetings, group sessions and assessment.

Agent – a representative of a facility who is an owner, licensee, executive director or employee.

Ambulatory – the ability to move from place to place independent of staff assistance. A consumer may use assistive devices, such as a cane, walker or wheelchair, and still be considered ambulatory, provided that the consumer is able to move and transfer independently on a regular basis. A consumer who needs temporary time-limited assistance, such as after surgery or a medical illness, is also still considered ambulatory.

Applicant – any person making application for a license or a provisional license under the *Act* and this Part. (Section 1-102 of the Act)

Assessment – a comprehensive clinical evaluation to determine the strengths, preferences, clinical status, including the level of functioning, and the clinical needs of a consumer. The assessment may also fulfill the requirements of federal law or State consent decrees for assessment or mental health preadmission screening and resident review prior to admission, or resident reviews during treatment. The assessment shall be conducted by a Licensed Practitioner of the Healing Arts and shall:

Determine the individualized intervention strategies that will assist the consumer in advancing in his or her recovery;

Determine what supports are needed for the individual to live in community-based settings; and

Determine the appropriate level of care for service delivery.

Authorization – a determination of the level of treatment services that best suits the clinical needs of the consumer.

Authorized representative – a person other than an owner, agent or employee of a facility designated in writing by a consumer to be his or her representative. A consumer may designate his or her guardian as an authorized representative.

Biopsychosocial approach – a model for the treatment of persons with mental illness that acknowledges the biological, psychological and social influences on a person's psyche, relying on multiple disciplines for the treatment and rehabilitation of persons with mental illness.

Certified Recovery Support Specialist or CRSS – an individual who is certified and in good standing as a Recovery Support Specialist by the Illinois Alcohol and Other Drug Abuse Professional Certification Association. A CRSS, at a minimum, shall function as a mental health professional.

Community-based behavioral health services – services provided to a consumer, e.g., by a community-based behavioral health provider, while living in his or her own home or in a group living situation of 16 or fewer beds. The services are designed to assist consumers in achieving rehabilitative, resiliency and recovery goals in the least restrictive natural settings possible. The services consist of interventions that facilitate illness self-management, identification and use of adaptive and compensatory strategies, skills-building, and the identification and use of natural supports and community resources.

Consumer – a person, 18 years of age or older, admitted to a specialized *mental health rehabilitation facility for evaluation, observation, diagnosis, treatment, stabilization, recovery, and rehabilitation. "Consumer" does not mean any of the following*:

an individual requiring a locked setting;

an individual requiring psychiatric hospitalization because of an acute psychiatric crisis;

an individual under 18 years of age;

an individual who is actively suicidal or violent toward others;

an individual who has been found unfit to stand trial;

an individual who has been found not guilty by reason of insanity based on committing a violent act, such as sexual assault, assault with a deadly weapon, arson, or murder;

an individual subject to temporary detention and examination under Section 3-607 of the Mental Health and Developmental Disabilities Code;

an individual deemed clinically appropriate for inpatient admission in a State *psychiatric hospital; and*

an individual transferred by the Department of Corrections pursuant to Section 3-8-5 of the Unified Code of Corrections. (Section 1-102 of the Act)

Consumer record – a record that organizes all information on the care, treatment, and rehabilitation services rendered to a consumer in a specialized mental health rehabilitation facility. (Section 1-102 of the Act)

Controlled drugs – those drugs covered under the federal Comprehensive Drug Abuse Prevention Control Act of 1970, as amended, or the Illinois Controlled Substances Act. (Section 1-102 of the Act)

Crisis stabilization – a secure and separate unit that provides short-term behavioral, emotional, or psychiatric crisis stabilization as an alternative to hospitalization or re-hospitalization for consumers from residential or community placement. (Section 1-102 of the Act)

Debrief – a meeting with a consumer and facility staff following a period of restraint, holding or therapeutic separation in which the impact of the intervention is assessed from a perspective of emotional impact, outcome and possible alternatives to the use of restraint.

Department – the Department of Public Health. (Section 1-102 of the Act)

DHS − the Illinois Department of Human Services

DHS-DMH − the Illinois Department of Human Services-Division of Mental Health

Dietetic Service Supervisor − a person who:

is a dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution that included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary manager course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in the second, third or fourth paragraph of this definition.

Dietitian – a person licensed as a dietitian under the Dietitian Nutritionist Practice Act.

Director – the Director of the Department of Public Health or his or her designee.

Discharge – the full release of any consumer from a facility. (Section 1-102 of the Act)

Drug administration – the act in which a single dose of a prescribed drug or biological is given to a consumer. The complete act of administration entails removing an individual dose from a container, verifying the dose with the prescriber's orders, giving the individual dose to the consumer, and promptly recording the time and dose given. (Section 1-102 of the Act)

Drug dispensing – the act entailing the following of a prescription order for a drug or biological and proper selection, measuring, packaging, labeling, and issuance of the drug or biological to a consumer. (Section 1-102 of the Act)

DSP – the Department of State Police.

Dual diagnosis – the condition of experiencing a mental illness and a comorbid substance abuse problem.

Emergency – a situation, physical condition, or one or more practices, methods, or operations that *present imminent danger of death or serious physical or mental harm to consumers of a facility*. (Section 1-102 of the Act)

Evidence-based practice – the conscientious use of current evidence in making decisions about the care of the individual consumer, integrating individual clinical expertise with available external clinical evidence from systematic research.

Executive director – a person who is charged with the general administration and supervision of a facility licensed under the *Act* and this Part. (Section 1-102 of the Act)

Face check – visual confirmation by a staff person to ensure the consumer's safety and well-being, to be performed at intervals as determined by the individualized treatment plan of the consumer.

Facility – a specialized mental health rehabilitation facility (SMHRF) *that provides at least one of the following services: triage center; crisis stabilization; recovery and rehabilitation supports; or transitional living units for 3 or more persons. The facility shall provide a 24-hour program that provides intensive support and recovery services designed to assist persons, 18 years or older, with mental disorders to develop the skills to become self-sufficient and capable of increasing levels of independent functioning. It includes facilities that meet the following criteria*:

> *100% of the consumer population of the facility has a diagnosis of serious mental illness*;
>
> *no more than 15% of the consumer population of the facility is 65 years of age or older*;

none of the consumers are non-ambulatory;

none of the consumers have a primary diagnosis of moderate, severe, or profound intellectual disability; *and*

the facility must have been licensed under the Specialized Mental Health Rehabilitation Act or the Nursing Home Care Act immediately preceding the effective date of the *Act and qualifies as an institute for mental disease under the federal definition of the term*.

"Facility" does not include the following:

a home, institution, or place operated by the federal government or agency of the federal government*, or by the State of Illinois*;

a hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities for the treatment of mental illness that *is required to be licensed under the Hospital Licensing Act*;

a facility for child care as defined in the Child Care Act of 1969;

a community living facility as defined in the Community Living Facilities Licensing Act;

a nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination; however, the *nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety*;

a facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

a supportive residence licensed under the Supportive Residences Licensing Act;

a supportive living facility in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

an Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

a home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs;

a facility licensed under the ID/DD Community Care Act; *or*

a facility licensed under the Nursing Home Care Act after July 22, 2013 (Section 1-102 of the Act)

Findings of root cause analysis – the conclusions of a facility's root cause analysis that summarize how the incident, accident or violation happened and reasons for the incident, accident or violation. Reportable findings do not include investigatory notes, data, staff interviews and other unrelated documentation that led to the conclusions of the root cause analysis.

Governing body – the persons responsible for the overall leadership, oversight and administration of a specialized mental health rehabilitation facility

Guardian – a person appointed as a guardian of the person or guardian of the estate, or both, of a consumer under the Probate Act of 1975. (Section 1-102 of the Act)

Identified Offender – a person who:

Has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any

felony offense listed in Section 25 of the Health Care Worker Background Check Act, except for the following: a felony offense described in Section 10-5 of the Nurse Practice Act; a felony offense described in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; a felony offense described in Section 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act; and a felony offense described in the Methamphetamine Control and Community Protection Act; or

Has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any sex offense as defined in Section 10(c) of the Sex Offender Management Board Act. (Section 1-102 of the Act)

Illness Management and Recovery or IMR – an evidence-based practice aimed at assisting individuals with mental illnesses in learning to manage the symptoms of the illness to reduce interference with pursuit of personal goals.

Individualized Treatment Plan or Treatment Plan or ITP – a written compilation of the consumer's goals; the anticipated outcomes of services; the intermediate objectives to achieve the goals; the specific SMHRF services to be provided to the consumer; the amount, frequency and duration of the services; and the staff responsible for providing the services.

Institute for Mental Disease or IMD – facilities that are federally designated as institutes for mental diseases and that will be licensed as specialized mental health rehabilitation facilities under the Act and this Part, subject to the provisions in Section 1-101.5 of the Act.

Instrumental activities of daily living or IADL – activities to support daily life within the home and community that require more complex interactions than the self-care in ADLs, including, but not limited to, communication, community mobility, health management, home management, meal preparation and clean up, safety and emergency management, shopping and money management.

Interdisciplinary Team or IDT − a group of persons, representing those professions, disciplines or service areas that are relevant to identifying a consumer's strengths, preferences and needs, that designs a program to meet those needs.

Licensed Practitioner of the Healing Arts or LPHA – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

Licensed Practical Nurse − a person with a valid Illinois license to practice as a practical nurse under the Nurse Practice Act.

Licensee – the person, persons, firm, partnership, association, organization, company, corporation, or business trust to which a license has been issued. (Section 1-102 of the Act)

Linkage – A partnership between a facility and a community-based behavioral health provider that includes the community-based behavioral health provider from the time of a consumer's admission into a facility (in crisis stabilization, transitional living units, and recovery and rehabilitation supports), or as soon as possible following admission, in developing and implementing the consumer's individualized treatment plan for effective care coordination and transitioning the consumer to independent living in the community, or to the least restrictive setting of the consumer's choice. Linkage includes a face-to-face meeting between the consumer and the community-based behavioral health provider with which he or she is linked prior to discharge, except for consumers in the 23-hour triage center.

Mental Health Preadmission Screening and Resident Review or MH PASRR – a comprehensive review conducted under the auspices of DHS-DMH prior to the admission of a consumer with serious mental illness, at the end of 90 days following admission, at the end of six months, and then annually.

Mental Health Professional or MHP – shall have the meaning ascribed to it in the DHS-DMH rule the Medicaid Community Mental Health Services Program.

Misappropriation of a consumer's property – the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a consumer's belongings or money without the consent of a consumer or his or her guardian. (Section 1-102 of the Act)

Neglect – a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care,

or assistance that is necessary to avoid physical harm and mental anguish of a consumer. (Section 1-102 of the Act)

On site – in a facility and in a particular level of service within a facility.

Performance Improvement Project or PIP – an effort by a facility to address a specific violation or problem, either in one service area of a facility, or facility-wide. PIPs require a systematic gathering of information to clarify issues and problems to improve the delivery of care to consumers.

Person-centered care – an approach to mental health treatment that involves collaboration between the consumer, treatment providers, and other supporters of the individual, including the consumer's guardian and substitute decision maker, and is focused on the goals the consumer has identified for recovery in his or her treatment plan. Person centered care focuses on building upon the strengths and resources of the consumer to achieve recovery goals. Roles are defined for the consumer, the treatment providers, and other supporters to assist in reaching these goals.

Personal care or Activities of daily living or ADL – *assistance with meals, dressing, movement, bathing, or other personal needs, maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person, whether or not a guardian has been appointed for* the *individual. "Personal care" shall not be construed to confine or otherwise constrain a facility's pursuit to develop the skills and abilities of a consumer to become self-sufficient and capable of increasing levels of independent functioning.* (Section 1-102 of the Act)

Psychiatric Medical Director – a physician who is licensed under the Medical Practice Act of 1987 and who is board eligible or board certified in psychiatry by the American Board of Psychiatry and Neurology.

Psychotropic medication – medications used for antipsychotic, antidepressant, anti-manic, anti-anxiety, or behavior modification, for behavioral management purposes as listed in the American Medical Association Drug Evaluation and the Physicians' Desk Reference.

Qualified Mental Health Professional or QMHP – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

Recovery and rehabilitation supports or RRS – *a* unit with a *program that facilitates a consumer's longer-term symptom management and stabilization while preparing the consumer for transitional living units* or transition to the community *by improving living skills and community socialization.* (Section 1-102 of the Act)

Recovery – the process in which persons are able to live, work, learn and participate fully in their communities. For some persons, recovery is the ability to live a fulfilling and productive life despite a disability. For others, recovery implies the reduction or complete remission of symptoms.

Registered Nurse − a person with a license to practice as a registered professional nurse under the Nurse Practice Act.

Rehabilitation Services Associate (RSA) – shall have the meaning ascribed to it in the DHS-DMH rule Medicaid Community Mental Health Services Program.

Restorative care – care that is designed to facilitate the consumer's recovery and re-entry into the community.

Restraint −

> *a physical restraint that is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a consumer's body that the consumer cannot remove easily and restricts freedom of movement or normal access to one's body; devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this* Part. *For the purposes of* the *Act* and this Part, *restraint shall be administered only after utilizing a coercive-free environment and culture; or*
>
> *a chemical restraint that is any drug used for discipline or convenience and not required to treat medical symptoms*. (Section 1-102 of the Act)

Root cause – a fundamental reason or reasons for an incident, accident or violation, without which the incident, accident or violation would not have occurred.

Root cause analysis – the process for determining how an incident, accident or violation occurred.

Self-administration of medication – means that *consumers shall be responsible for the control, management, and use of* their *own medication.* (Section 1-102 of the Act)

Serious mental illness – as used in this Part, any of the following diagnoses:

DSM-5 diagnosis of a psychotic disorder, excluding those caused by a general medical condition or substance use when of moderate or severe intensity and associated with moderate or severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of bipolar or related disorder, excluding those caused by a general medical condition or substance use, when of moderate or severe intensity and associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of a depressive disorder, excluding those caused by a general medical condition or substance use, when of moderate or severe intensity and associated with severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of borderline personality disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of post-traumatic stress disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

DSM-5 diagnosis of obsessive compulsive disorder associated with moderate to severe functional impairment of a greater than 90-day duration.

Substitute decision maker – a person who possesses the authority to make mental health decisions on behalf of the consumer under the Powers of Attorney for Health Care Law, under the Mental Health Treatment Preference Declaration Act, or the Probate Act of 1975.

Transitional living units – residential units within a facility that have the purpose of assisting the consumer in developing and reinforcing the necessary skills to live independently outside of the facility. The duration of stay in this *setting shall not exceed 120 days for each consumer. Nothing in this definition shall be construed to be a prerequisite for transitioning out of a facility.* (Section 1-102 of the Act)

Therapeutic separation – the removal of a consumer from the milieu to a room or area that *is designed to aid in the emotional or psychiatric stabilization of that consumer.* (Section 1-102 of the Act)

Triage center – a non-residential, 23-hour center that serves as an alternative to emergency room care, hospitalization, or re-hospitalization for consumers in need of short-term crisis stabilization. (Section 1-102 of the Act)

Unit – a crisis stabilization, recovery and rehabilitation supports, or transitional living level of service within a facility.

Wellness Recovery Action Plan (WRAP) – an evidence-based system developed by the Copeland Center for use by people dealing with mental health and other challenges who want to attain the highest possible level of wellness.

Section 380.110 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33, Existing Board and Care Occupancies (2012) or Chapter 32, New Board and Care Occupancies (2012), and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169.

A) No. 10 (2010): Standard for Portable Fire Extinguishers

B) No. 13 (2010): Standard for the Installation of Sprinkler Systems

C) No. 25 (2011): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems

D) No. 54 (2012): National Fuel Gas Code

E) No. 70 (2011): National Electrical Code

F) No. 72 (2010): National Fire Alarm and Signaling Code

G) No. 80 (2010): Standard for Fire Doors and Other Opening Protectives

H) No. 90A (2012): Standard for Installation of Air Conditioning and Ventilating Systems

I) No. 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations

J) No. 99 (2012): Health Care Facilities Code

K) No. 110 (2010): Standard for Emergency and Standby Power Systems

L) No. 220 (2012): Standard on Types of Building Construction

M) No. 241 (2009): Standard for Safeguarding Construction, Alteration and Demolition

2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta GA 30329.

3) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5) (2013) (American Psychiatric Association), which may be obtained from the American Psychiatric

Association, 1000 Wilson Boulevard, Suite 1825, Arlington VA 22209-3901.

4) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta GA 31193-3104 (800-762-2264).

5) Drug Burden Index to Define the Functional Burden of Medications in Older People (April, 2007), which may be obtained from the American Medical Association, AMA Plaza, 330 N. Wabash Ave., Chicago IL 60611-5885, or accessed at http://archinte.jamanetwork.com/article.aspx?articleid=412262.

6) Accreditation:

A) Standards for Behavioral Health Care (Joint Commission, 2014), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181;

B) Behavioral Health Standards Manual (Commission on Accreditation of Rehabilitation Facilities (CARF, 2014), 4891 East Grant Road, Tucson AZ 85711; or

C) Accreditation Requirements for Behavioral Health Centers (Healthcare Facilities Accreditation Program, 2010), 142 E. Ontario Street, Chicago IL 60611.

7) Federal Guidelines:

A) Recommendations of the Advisory Committee on Immunization Practices (ACIP) (2014), which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta GA 30333 (800-232-4636).

B) Sexually Transmitted Diseases Treatment Guidelines (2010), which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta GA 30333 (800-232-4636).

C) "Recommended Dietary Allowances", 10th Edition (1989), adopted by the Food and Nutrition Board of the National Research Council of the National Academy of Science, which may be obtained from the National Academy of Science, Keck Center W700, 500 Fifth St. NW, Washington DC 20001 (202-334-2352).

8) Evidence-based and evidence-informed treatment practices, including but not limited to:

A) The Illness Management and Recovery Evidence-Based Practices Kit (Substance Abuse and Mental Health Services Administration. Illness Management and Recovery: Practitioner Guides and Handouts, HHS Pub. No. SMA-09-4462, Rockville MD: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, 2009.).

B) Wellness Recovery Action Plan (WRAP), by Copeland, Mary Ellen, Ph.D., Peach Press (2011), P.O. Box 301, West Dummerston VT 05357.

C) Motivational Interviewing, by Miller, W. R., & Rollnick, S. Guilford Publications (2002), 72 Spring Street, New York NY 10012 (800-365-7006).

9) ADA Standards for Accessible Design (2010), which may be obtained from the U.S., Department of Justice ADA website (www.ada.gov) or by writing U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Disability Rights Section – NYA, Washington DC 20530 (800-514-0301).

10) Federal Rules:

A) 21 CFR 1306.11, Requirement of Prescription (April 1, 2013)

B) 21 CFR 1306.21, Requirement of Prescription (April 1, 2013)

C) 24 CFR 578.3, Continuum of Care (April 1, 2014)

D) 45 CFR 46, Protection of Human Subjects (October 1, 2012)

b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) Federal Statutes:

A) Americans With Disabilities Act (104 USC 327)

B) Health Insurance Portability and Accountability Act (110 USC 1936)

C) Comprehensive Drug Abuse Prevention Control Act of 1970 (21 USC 13)

2) State of Illinois Statutes:

A) Specialized Mental Health Act of 2013 [210 ILCS 490]

B) Mental Health and Developmental Disabilities Code [405 ILCS 5]

C) Unified Code of Corrections [730 ILCS 5]

D) Nurse Practice Act [225 ILCS 65]

E) Medical Practice Act of 1987 [225 ILCS 60]

F) Clinical Psychologist Licensing Act [225 ILCS 15]

G) Clinical Social Work and Social Work Practice Act [225 ILCS 20]

H) Illinois Occupational Therapy Practice Act [225 ILCS 75]

I) Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107]

J) Marriage and Family Therapy Licensing Act [225 ILCS 55]

K) Health Care Worker Background Check Act [225 ILCS 46]

L) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]

M) Illinois Controlled Substances Act [720 ILCS 570]

N) AIDS Confidentiality Act [410 ILCS 305]

O) Dietitian Nutritionist Practice Act [225 ILCS 30]

P) Smoke Detector Act [425 ILCS 65]

Q) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

R) Mental Health Treatment Preference Declaration Act [755 ILCS 43]

S) Whistleblower Act [740 ILCS 174]

T) Criminal Code of 2012 [720 ILCS 5]

U) Smoke Free Illinois Act [410 ILCS 82]

V) Mental Health and Development Disabilities Confidentiality Act [740 ILCS 110]

W) Probate Act of 1975 [755 ILCS 5]

X) Language Assistance Services Act [210 ILCS 87]

Y) Safety Glazing Materials Act [430 ILCS 65]

Z) Child Care Act of 1969 [225 ILCS 10]

AA) Community Living Facilities Licensing Act [210 ILCS 35]

BB) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]

CC) Supportive Residences Licensing Act [210 ILCS 65]

DD) Illinois Public Aid Code [305 ILCS 5]

EE) Assisted Living and Shared Housing Act [210 ILCS 9]

FF) Alternative Health Care Delivery Act [210 ILCS 3]

GG) Cannabis Control Act [720 ILCS 550]

HH) Methamphetamine Control and Community Protection Act [720 ILCS 646]

II) Sex Offender Management Board Act [20 ILCS 4026]

JJ) Illinois Human Rights Act [775 ILCS 5]

KK) Uniform Conviction Information Act [20 ILCS 2635]

LL) Hospital Licensing Act [210 ILCS 85]

MM) Nursing Home Care Act [210 ILCS 45]

NN) Sex Offender Registration Act [730 ILCS 150]

3) State of Illinois Administrative Rules:

A) Department of Public Health, Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

B) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)

C) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696)

D) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

E) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

F) Department of Public Health, Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)

G) Department of Public Health, Food Services Sanitation Code (77 Ill. Adm. Code 750)

H) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900)

I) Department of Public Health, Water Well Construction Code (77 Ill. Adm. Code 920)

J) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

K) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)

L) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940)

M) Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

N) Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)

O) Department of Public Health, Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)

P) Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)

Q) Healthcare and Family Services, Mental Health Services in Nursing Facilities (89 Ill. Adm. Code 145)

R) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)

S) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)

T) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

Section 380.120 Applicability and General Requirements

a) The *Act* and this Part provide *for licensure of long term care facilities that are federally designated as institutions for mental disease on* July 22, 2013 *and specialize in providing services to individuals with serious mental illness*. *On and after* July 22, 2013, *these facilities shall be governed by the Act instead of the Nursing Home Care Act*. (Section 1-101.5(a) of the Act)

b) *All consent decrees that apply to facilities federally designated as institutions for mental disease shall continue to apply to facilities licensed under* the *Act* and this Part. (Section 1-101.5(b) of the Act)

c) *A facility licensed under* the *Act* and this Part *may voluntarily close, and the facility may reopen in an underserved region of the State, if the facility receives a certificate of need from the Health Facilities and Services Review Board. At no time shall the total number of licensed beds under* the *Act* and this Part *exceed the total number of licensed beds existing on July 22, 2013* (the effective date of Public Act 98-104) (Section 1-105(c) of the Act).

d) Subject to the Act and this Part, the facility shall develop and implement a psychiatric rehabilitation program providing individual and group therapeutic interventions, services and supports to address the goals, preferences, needs, strengths and risks of persons with a diagnosis of mental illnesses and who meet clinical criteria as specified in each level of service.

e) Triage centers, crisis stabilization units, transitional living units, and recovery and rehabilitation supports units shall be designed to improve the adaptive functioning of persons with mental illness, facilitate the recovery of those persons, and enable those persons to achieve a higher level of independence while preventing regression to a lower level of functioning.

f) As defined in the Act and this Part, the facility may develop specialized units and programs to serve different consumers in different stages of illness, including:

1) Non-residential triage centers, with a length of stay no more than 23 hours, for short-term crisis assessment and disposition;

2) Crisis stabilization units that serve consumers for no more than 21 days;

3) Recovery and rehabilitation supports units that address longer-term consumer mental health rehabilitation needs and training; and

4) Transitional living units that prepare consumers for community transition within 120 days following admission.

g) Each of these programs shall have its own separate program and staffing requirements, based on the crisis intervention and recovery treatment needs of the consumers, and as required by the Act and this Part.

h) A facility is not required to implement all of the programs in subsection (e)(1) through (4).

i) All levels of service shall incorporate evidence-based practices, biopsychosocial approaches, and programs regarding the treatment and rehabilitation of persons who have mental illnesses.

j) The mental health rehabilitation and recovery services shall be designed to assist consumers in developing skills to effectively manage their symptoms and effectively become capable of increasing levels of independent functioning in the community.

k) All services shall reflect varying individual goals, diverse needs, concerns, strengths, motivations and abilities of each consumer, which shall be documented

in writing within the medical chart. The programs shall emphasize the participation of consumers in all aspects of treatment, including, but not limited to, individual treatment, services planning, program design and evaluation.

l) The facility shall have an interdisciplinary team at all levels of service. The IDT shall include a physician and a licensed clinical social worker or a licensed clinical professional counselor, as well as the consumer, the consumer's guardian, and other professionals, including the consumer's primary service providers, particularly the staff most familiar with the consumer, and other appropriate professionals and caregivers as determined by the consumer's needs. The consumer or his or her guardian may also invite other people to meet with the IDT and participate in the process of identifying the consumer's strengths and needs.

m) For all levels of service except triage centers, a facility shall provide linkage, including coordinating the consumer's care with other health care providers, including, but not limited to, primary care physicians, psychiatrists, hospitals and other medical professionals, to ensure that the mental and physical health care needs of the consumer are met. The facility shall share all relevant treatment information for a consumer with the community-based behavioral health provider or other health care provider to facilitate a consumer's recovery and rehabilitation. Linkage may occur through direct partnerships with providers, as well as through managed care entities.

n) For triage centers, linkage means connecting the consumer to a community-based behavioral health provider if the triage staff determines that community behavioral health services are needed.

o) A crisis stabilization center, recovery and rehabilitation supports center, or a transitional living unit shall not accept for treatment anyone with medical issues requiring active intervention or treatment, or who requires a higher level of medical care, e.g., issues beyond medical maintenance, including, but not limited to, persons:

1) Who require skilled nursing care, who have limited feeding capacity, or who need assistance ambulating;

2) With a swallowing problem with recurring aspiration;

3) Who require a catheter, such as a foley catheter, feeding tubes or nasogastric tubes, or central lines;

4) Who are at risk of medically significant complications due to recent major medical trauma, according to the requirements for trauma in the Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code;

5) With acute neurological symptoms, including unstable seizure disorders;

6) Who require ongoing nebulizer treatments that are not self-administered;

7) Who require electrocardiogram monitoring/telemetry;

8) For transitional living and rehabilitation and recovery only, with a condition that potentially requires urgent surgery;

9) Who are at risk of medically significant complications due to drug withdrawal;

10) With medically significant bleeding;

11) With communicable diseases requiring isolation,except for brief contact isolation;

12) With delirium;

13) With primary dementia;

14) With moderate, severe or profound developmental disability;

15) With methadone dependency, unless he or she is in an accredited methadone program; or

16) With toxic levels of medication or who are at risk to become toxic (i.e., acetaminophen).

p) A triage center shall screen all consumers for the medical issues in subsection (n).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

Section 380.130 Staff Qualifications and Training Requirements

a) *Training for all new employees specific to the various levels of care offered by a facility shall be provided to employees during their orientation period and* then *annually. Training shall be independent of the Department and overseen by* DHS-DMH *to determine the content of all facility employee training and to provide training for all trainers of facility employees*. (Section 2-103 of the Act) DHS-DMH will determine if the outlined employee training plan submitted to it by the facility meets the DHS-DMH requirements prior to the acceptance of the facility's plan of operation by the Department.

b) *Training of employees shall be consistent with nationally recognized national accreditation standards as defined in* the *Act* and this Part. *Training shall be required for all existing staff at a facility prior to the implementation of any new services authorized under* the *Act* and this Part. (Section 2-103 of the Act)

c) The facility shall have a written policy for regular staff training at all levels of service that the facility provides. Training referenced in this Section may be provided via any of the usual methods of adult education, including, but not limited to, in-service training, webinar, comport programs, on-line education, and on-the-job training.

d) The curriculum for staff training will be developed or approved by DHS-DMH and will include, but not be limited to, understanding symptoms of mental illnesses; principles of evidence-based practices and emerging best practices, including trauma informed care, illness management and recovery, wellness recovery action plans, crisis prevention intervention training, consumer rights, and recognizing, preventing, and mandatory reporting of abuse and neglect. Training shall also include relevant health and safety matters. Training shall use didactic as well as practical and on-the-job experiences.

e) Executive Director

1) The executive director shall meet the requirements in Section 380.430.

2) The executive director shall complete at least 15 hours of training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming duties in a facility.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (e)(2) within the past five years may use this training to meet the requirements of this subsection (e). The facility shall document this training in the employee's personnel file.

4) The executive director also shall complete additional training annually as prescribed by DHS-DMH.

f) Psychiatric Medical Director

1) The psychiatric medical director shall be a board eligible or board certified psychiatrist.

2) The psychiatric medical director shall complete training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (f)(2) within the past five years may use this training to meet the requirements of this subsection (f). The facility shall document this training in the employee's personnel file.

4) The psychiatric medical director shall not have a revoked or currently suspended license, and shall not be on probation.

g) Program Director
Each program operated by the licensee shall have a program director who is a licensed practitioner of the healing arts.

h) Licensed Practitioner of the Healing Arts (LPHA)

1) The LPHA shall meet the definition of this job title in 59 Ill. Adm. Code 132.

2) The LPHA shall complete training as prescribed by DHS-DMH on mental

illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (h)(2) within the past five years may use this training to meet the requirements of this subsection (h). The facility shall document this training in the employee's personnel file.

4) The LPHA also shall complete additional training annually as prescribed by DHS-DMH.

i) Qualified Mental Health Professional (QMHP)

1) The QMHP shall meet the definition of this job title.

2) The QMHP shall complete training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (i)(2) within the past five years may use this training to meet the training requirements of this subsection (i). The facility shall document this training in the employee's personnel file.

4) The QMHP also shall complete additional training annually as prescribed by DHS-DMH.

j) Mental Health Professional (MHP)

1) The MHP shall meet the definition of this job title in 59 Ill. Adm. Code 132.

2) The MHP shall complete training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to

assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (j)(2) within the past five years may use this training to meet the requirements of this subsection (j). The facility shall document this training in the employee's personnel file.

4) The MHP also shall complete additional training annually as prescribed by DHS-DMH.

k) Certified Recovery Support Specialist (CRSS)

1) The CRSS shall meet the definition of this job title in Section 380.100.

2) The CRSS shall complete at least 60 hours of training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (k)(2) within the past five years may use this training to meet the requirements of this subsection (k). The facility shall document this training in the employee's personnel file.

4) The CRSS also shall complete additional training annually as prescribed by DHS-DMH.

5) A facility shall make its best efforts to hire the required CRSS staffing. If a facility is unable to meet the minimum staffing requirements of Sections 380.300(g)(4), 380.310(j)(5), 380.320(g)(3) and 380.330(i)(3), the facility may hire a person who is eligible to obtain the CRSS certification within 12 months after the date of hire. The facility shall support the individual toward obtaining the necessary training hours, work hours and completion of the exam.

A) The individual shall have a high school diploma or GED. The individual shall receive 100 hours of training and education,

including 40 hours in the CRSS domains of recovery support, mentoring, advocacy and professional responsibility; 6 hours in professional ethics for a CRSS; and 54 hours in areas related to the work of the CRSS but not necessarily specific to the four domains.

B) The facility shall continue to make documented efforts to recruit and hire employees who are already certified as a CRSS.

l) Rehabilitation Services Associate (RSA)

1) The RSA shall meet the definition of this job title in 59 Ill. Adm. Code 132.

2) The RSA shall complete training as prescribed by DHS-DMH on mental illness, mental health services, psychiatric rehabilitation, State mental health administrative rules, and the mental health service system prior to assuming the duties of this position.

3) Individuals who have successfully completed training on the specific topics and training hours prescribed in subsection (l)(2) within the past five years may use this training to meet the requirements of this subsection (l). The facility shall document this training in the employee's personnel file.

4) The RSA also shall complete additional training annually as prescribed by DHS-DMH.

m) Volunteers
Volunteers who are regularly scheduled to work at least weekly with consumers at the facility shall complete at least 12 hours of supervised training as prescribed by DHS-DMH prior to beginning their volunteer services. Volunteers shall be subject to all the hiring requirements in Subpart C. Volunteers are prohibited from working in triage centers or crisis stabilization units. In recovery and rehabilitation supports units and transitional living units, their services shall be limited to assisting consumers with ADLs, IADLs and recreational activities.

Section 380.140 Consumer Rights and Choices

a) *Consumers served by a facility under* the *Act* and this Part *shall have all the rights*

guaranteed pursuant to Chapter II, Article I of the Mental Health and Developmental Disabilities Code, a list of which shall be prominently posted in English and any other language representing at least 5% of the county population in which the specialized mental health rehabilitation facility is located. (Section 3-101 of the Act)

1) *Each consumer and consumer's guardian or other person acting on behalf of the consumer shall be given a written explanation of all of his or her rights. The explanation shall be given at the time of admission to a facility or as soon thereafter as the condition of the consumer permits, but in no event later than 48 hours after admission and again at least annually thereafter*, except for triage. *If a consumer is unable to read* the *written explanation, it shall be read to the consumer in a language the consumer understands*. (Section 3-209 of the Act)

2) *The facility shall ensure that its staff is familiar with and observes the rights and responsibilities enumerated in Article 3* of the Act. (Section 3-210 of the Act)

b) *A consumer shall be permitted to manage his or her own financial affairs unless he or she or his or her guardian authorizes the executive director of the facility in writing to manage the consumer's financial affairs*. (Section 3-102 of the Act)

c) *To the extent possible, each consumer shall be responsible for his or her own moneys and personal property or possessions in his or her own immediate living quarters unless deemed inappropriate by a physician or other facility* LPHA *clinician and so documented in the consumer's record. In the event the moneys or possessions of a consumer come under the supervision of the facility, either voluntarily on the part of the consumer or so ordered by a facility physician or other* LPHA *clinician, each facility to whom a consumer's moneys or possessions have been entrusted shall comply with the following*:

1) *No facility shall commingle consumers' moneys or possessions with those of the facility; consumers' moneys and possessions shall be maintained separately, intact, and free from any liability that the facility incurs in the use of the facility's funds*;

2) *The facility shall provide reasonably adequate space for the possessions of the consumer; the facility shall provide a means of safeguarding small*

items of value for its consumers in their rooms or in any other part of the facility so long as the consumers have reasonable and adequate access to their *possessions*; *and*

3) *The facility shall make reasonable efforts to prevent loss and theft of consumers' possessions; those efforts shall be appropriate to the particular facility and particular living setting within each facility and may include staff training and monitoring, labeling possessions, and frequent possession inventories; the facility shall develop procedures for investigating complaints concerning theft of consumers' possessions and shall promptly investigate all complaints*. (Section 3-103 of the Act)

d) *Every consumer, except those in triage centers, shall be permitted unimpeded, private, and uncensored communication of his or her choice by mail, telephone, Internet, or visitation*.

1) *The executive director shall ensure that correspondence is conveniently received and reasonably accessible*.

2) *The executive director shall ensure that consumers may have private visits at any reasonable hour unless visits are restricted due to the treatment plan of the consumer*.

3) *The executive director shall ensure that space for visits is available and that facility personnel reasonably announce their intent to enter, except in an emergency, before entering any consumer's room during visits*.

4) *Consumers shall be free to leave at any time. If a consumer in a triage center expresses a desire to contact a third party for any purpose, the facility staff shall contact that third party on behalf of the consumer*. (Section 3-108 of the Act)

e) *A consumer shall be permitted the free exercise of religion. Upon a consumer's request, and if necessary, at the consumer's expense, the executive director may make arrangements for a consumer's attendance at religious services of the consumer's choice. However, no religious beliefs or practices or attendance at religious services may be imposed upon any consumer*. (Section 3-109 of the Act)

f) *Access to Consumers*

1) *Any employee or agent of a public agency, any representative of a community legal services program, or any other member of the general public shall be permitted access at reasonable hours to any individual consumer of any facility, unless the consumer is receiving care and treatment in triage centers*. This subsection (f)(1) shall not be construed to limit the Department's ability to conduct off-hour surveys or inspections.

2) *All persons entering a facility under* the Act and *this* subsection (f) *shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No person shall enter the immediate living area of any consumer without first identifying himself or herself and then receiving permission from the consumer to enter. The rights of other consumers present in the room shall be respected. A consumer may terminate at any time a visit by a person having access to the consumer's living area under* the Act and *this* subsection.

3) *This* subsection (f) *shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility*.

4) *Notwithstanding subsection* (f)(1), *the executive director of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a consumer or would threaten the security of the property of a consumer or the facility, or if the person seeks access to the facility for commercial purposes*.

5) *Nothing in this* subsection (f) *shall be construed to conflict with, or infringe upon, any court orders or consent decrees regarding access*. (Section 3-110 of the Act)

g) *A consumer shall be permitted to present grievances on behalf of himself or herself or others to the executive director, the consumers' advisory council (see subsection (j)), State governmental agencies, or other persons without threat of discharge or reprisal in any form or manner whatsoever. The executive director shall provide all consumers or their representatives with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged*. (Section 3-112 of the Act) All facilities shall display contact

information and make it accessible and visible to consumers and visitors with a minimum of interaction with staff.

h) *A consumer may refuse to perform labor for a facility*. (Section 3-113 of the Act)

i) *No consumer shall be subjected to unlawful discrimination as defined in Section 1-103 of the Illinois Human Rights Act by any owner, licensee, executive director, employee, or agent of a facility. Unlawful discrimination does not include an action by any licensee, executive director, employee, or agent of a facility that is required by* the *Act or* by this Part. (Section 3-114 of the Act)

j) Except for triage centers and crisis stabilization units, *each facility shall establish a consumers' advisory council* consisting of at least five consumers chosen by consumers. If there are not five consumers capable of functioning on the consumers' advisory council, as determined by the interdisciplinary team, consumers' substitute decision makers shall take the place of the required number of consumers. *The executive director shall designate a member of the facility staff* other than the executive director *to coordinate the establishment of, and render assistance to, the council*.

1) *No employee or affiliate of a facility shall be a member of the council*.

2) *The council shall meet at least once each month with the staff coordinator, who shall provide assistance to the council in preparing and disseminating a report of each meeting to all consumers, the executive director, and the staff.*

3) *Records of council meetings shall be maintained in the office of the executive director,* subject to compliance with the Health Insurance Portability and Accountability Act and Mental Health and Developmental Disabilities Confidentiality Act.

4) *The consumers' advisory council may communicate to the executive director the opinions and concerns of the consumers. The council shall review procedures for implementing consumer rights and facility responsibilities, and make recommendations for changes or additions that will strengthen the facility's policies and procedures as they affect consumer rights and facility responsibilities*.

5) *The council shall be a forum for*:

A) *Obtaining and disseminating information*;

B) *Soliciting and adopting recommendations for facility programming and improvements*; *and*

C) *Early identification and for recommending orderly resolution of problems*.

6) *The council may present complaints on behalf of a consumer to the Department or to any other person it considers appropriate*, without retaliation of any kind from the facility or any facility employee. (Section 3-203 of the Act)

k) A facility shall provide language assistance services in accordance with the Language Assistance Services Act and the Language Assistance Services Code.

l) A facility shall inform a consumer of his or her right to designate a substitute decision maker in writing and shall assist the consumer in naming a substitute decision maker, if the consumer requests it.

Section 380.150 Informed Consent

a) For the purposes of this Section and Section 380.160, the following definitions shall apply:

1) Authorized representative – a guardian with a court order granting authority to consent to psychotropic medication or the use of restraints on behalf of a consumer, or a person authorized to consent to psychotropic medication or the use of restraints on behalf of a consumer pursuant to the Power of Attorney Act or the Mental Health Treatment Preference Declaration Act.

2) Capable consumer – a consumer who is able to understand the nature of the decision to be made, the information relevant to making the decision and the possible consequences of any decision, and to make a reasoned judgment based on this information.

3) Informed consent – written consent for specific medical care, given freely, without coercion or deceit, by a capable consumer, or by a consumer's authorized representative, after the consumer, or the consumer's authorized representative, has been fully informed of, and had an opportunity to consider, the nature of the care, the likely and possible benefits and risks to the consumer of receiving the care, any other likely and possible consequences of receiving or not receiving the care, and possible alternatives to the proposed care. Written informed consent shall be obtained from a consumer or from a consumer's authorized representative when he or she is admitted. Before obtaining informed consent from a consumer, or from a consumer's authorized representative, the facility shall inform the consumer or the consumer's authorized representative that the potential consequences of an emergency situation in a SMHRF may include temporary holding, restraint, or the use of medications as ordered by the physician for safety purposes. For psychotropic medications, the informed consent shall comply with subsection (d).

b) The facility shall document in the consumer's record whether he or she is capable of giving informed consent for medical care, including for receiving psychotropic drugs. If the consumer is not capable of giving informed consent, the identity of the consumer's authorized representative shall be placed in the consumer's record.

c) No psychotropic medication may be given to any consumer without the informed consent of the consumer or, if the consumer is not capable, the informed consent of a person authorized to consent for the consumer without capacity. Informed consent shall be secured in compliance with the requirements of this Section.

d) Procedure for Securing Informed Consent for Psychotropic Medication

1) Prior to initiating any detailed discussion designed to secure informed consent, a licensed medical professional shall inform the consumer or the consumer's authorized representative that the consumer's physician has prescribed a psychotropic medication for the consumer, and that an informed decision is required from the consumer or the consumer's authorized representative before the consumer may be given the medication.

2) The discussion designed to secure informed consent shall be private,

between the consumer or the consumer's authorized representative, and the resident's physician, a registered pharmacist who is not a dispensing pharmacist for the facility where the consumer is receiving services, or a licensed nurse. The consumer shall be given the opportunity to ask questions throughout the discussion. The consumer shall be given as much time as he or she needs to grant informed consent, and shall be told that he or she is not required to make the decision during the meeting.

3) The discussion shall include information about:

A) The name of the medication;

B) The consumer's illness that the medication is intended to treat;

C) The symptoms of the illness that the medication is intended to treat, and how those symptoms are affecting the consumer;

D) How the medication is intended to affect those symptoms;

E) Other possible effects or side effects of the medication, and any reasons (e.g., age, health status, other medications) that the consumer is more or less likely to experience side effects;

F) Dosage information, including how much medication would be administered, how often, and the method of administration (e.g., orally or by injection; with, before, or after food);

G) Any tests and related procedures that are required for the safe and effective administration of the medication;

H) Any food or activities the consumer should avoid while taking the medication;

I) Any possible alternatives to taking the medication that could accomplish the same purpose; and

J) Any possible consequences to the consumer of not taking the medication.

4) The consumer or the consumer's authorized representative shall be told that his or her informed consent may be withdrawn at any time, and that, even with informed consent, the consumer may refuse to take the medication. The consumer or the consumer's authorized representative shall be told whether stopping the medication poses a risk of serious health consequences for the consumer, and whether stopping the medication and resuming it will reduce the subsequent effectiveness of the medication.

5) In addition to the oral discussion, the consumer or his or her authorized representative shall be given the information in subsection (d)(2) in writing. The information shall be in plain language, understandable to the reader. If the document is in a language not understood by the reader, the facility shall provide a translator capable of communicating with the reader and the health care professional conducting the discussion. The health care professional shall guide the consumer through the written information. The document shall include a place for the consumer or his or her authorized representative to give, or to refuse to give, informed consent, or to request more time or more information prior to making a decision. Informed consent is not secured until the consumer or authorized representative has given oral and written informed consent.

6) If a consumer has an authorized representative, the consumer may still be present at the discussion required by this Section. If a consumer has an authorized representative, that consumer shall still be given appropriate information about the medication. The information shall include, at a minimum, written information and an oral explanation of common side effects of the medication to facilitate the consumer in identifying the medication and in communicating the existence of side effects to the nursing staff. If the consumer is capable of understanding, the explanation shall also include:

A) The information in subsection (d)(3)(H);

B) Whether stopping the medication poses a risk of serious health consequences for the consumer; and

C) Whether stopping the medication and resuming it will reduce the subsequent effectiveness of the medication.

7) The time period for informed consent for psychotropic medication shall not exceed one year.

8) Informed consent shall be given for a maximum daily dosage. Additional informed consent is not required so long as the medication administered to the consumer remains within the maximum daily dosage for which consent was given.

9) If a consumer in a triage center has a current prescription for psychotropic medication, the triage center shall take all reasonable steps to confirm that the consumer has given informed consent for the medication.

10) A consumer shall be asked to consent to the administration of a new psychotropic medication in a dosage or frequency that exceeds the maximum recommended daily dosage as found in the Physician's Desk Reference only when the reason for exceeding the recommended daily dosage is explained to the consumer by a nurse, physician, or psychiatrist, and the reason for exceeding the recommended daily dosage is justified by the prescribing physician or psychiatrist in the clinical record. The dosage and frequency shall be reviewed and rejustified by the prescriber on a weekly basis and reviewed by a consulting pharmacist. The justification for exceeding the recommended daily dosage shall be recorded in the consumer's record and shall be approved, in writing, by the medical director of the facility.

11) The facility shall obtain informed consent using forms provided by the Department pursuant to Section 2-106.1 of the Nursing Home Care Act.

Section 380.160 Restraints and Therapeutic Separation

a) The facility shall develop and implement a written plan to create coercion-free environments as defined in the Mental Health and Developmental Disabilities Code in recognition of the prevalence of trauma histories in the populations to be treated in all levels of service in the facility. The plan shall address how the facility will:

1) Use leadership to create organizational change;

2) Use data to inform practice;

3) Train the workforce in policies and practices;

4) Use restraint and therapeutic separation prevention tools;

5) Use debriefing techniques following the use of restraints or therapeutic separations; and

6) Create appropriate spaces (e.g., comfort rooms) for therapeutic separations.

b) Restraints

1) A physical restraint, or momentary physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, shall be applied only by staff trained in the safe and humane application of the particular type of restraint. Training shall be in a program administered or approved by DHS-DMH.

2) A restraint shall be used only in an emergency and when alternative interventions cannot ensure safety.

3) *Informed consent shall be required for restraints consistent with the requirements contained in Section 2-106*(c) *of the Nursing Home Care Act*. (Section 3-115 of the Act)

A) Written informed consent for the short-term emergency use of a restraint may be obtained from a consumer when he or she is admitted or after admission. Before obtaining informed consent, the facility shall inform the consumer that, in a behavioral emergency, when necessary to protect the consumer or other people from immediate physical harm, the staff may use the temporary holding, and, if informed consent has been given, may use short-term restraint until the consumer can be transported to a hospital.

B) Whenever use of a physical restraint is initiated, the consumer shall be advised of his or her right to have a person or organization of his or her choosing, including the Guardianship and Advocacy

Commission, notified of the use of the physical restraint. A period of use is initiated when a physical restraint is applied to a consumer for the first time under a new or renewed informed consent for the use of physical restraints. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the physical restraint, whether or not the guardian approves the notice. The person or organization shall be notified whenever a consumer is restrained.

C) The facility shall provide the following information in writing to the person or organization named by the consumer. If the consumer requests that the Guardianship and Advocacy Commission be contacted, the facility shall also provide the following information in writing to the Guardianship and Advocacy Commission:

i) The reason the physical restraint was needed;

ii) The type of physical restraint that was used;

iii) The interventions used or considered prior to physical restraint and the impact of these interventions;

iv) The length of time the physical restraint was applied; and

v) The name and title of the facility employee to be contacted for further information.

D) Whenever a physical restraint is used on a consumer whose primary mode of communication is sign language, the consumer shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the consumer or others.

4) The use of a restraint is not permitted unless a consumer presents a behavioral emergency. In these circumstances, restraints may be used for a brief period until emergency care and physical transportation to a hospital can be accomplished. In situations that are successfully resolved through manual holding lasting less than five minutes, without physical hold to the

ground or undue force, and without injury, transport to an emergency room or hospital is not required.

A) The use of restraints in a behavioral emergency shall comply with the provisions of Sections 380.150(a) and 380.610(d).

B) Restraint use shall be limited to the least amount of physical restriction and the briefest possible duration necessary to resolve the immediate danger.

C) The limitation on allowable restraint use applies to any physical restraint, including physical hold and prolonged restriction of movement by staff, as well as the use of any mechanical restraint device. Gentle physical guidance, prompting, and escorting a consumer are not considered restraints. Momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force, and that are designed to prevent a consumer from completing an act that would result in potential physical harm to himself or herself or another shall not constitute restraint, but shall be documented in the consumer's clinical record, and may be used only by a person trained pursuant to subsection (b)(1).

D) Any consumer being restrained shall be continuously monitored by a staff member, who shall be present throughout the period of restraint use to ensure safety, to avoid injury, and to minimize discomfort. The consumer's position shall be monitored to ensure that breathing is unrestricted. Consumer hydration or toileting needs shall be addressed unless precluded by immediate safety concerns.

E) Nursing staff shall examine the consumer as soon as possible, but no later than 10 minutes, after the start of the restraint use.

F) The consumer's psychiatrist shall be contacted immediately for medical direction. If the consumer's psychiatrist is unavailable, the psychiatric medical director shall be contacted.

G) The QMHP, pursuant to the facility's written policy, shall debrief

the staff involved in the restraint use regarding the events leading up to the restraint, physical hold, or application, and the consumer's condition during the duration of the restraint use. A consumer who was transported to a hospital shall be debriefed upon return to the facility.

H) The use of physical restraints shall be documented in the consumer's record, including:

i) The behavior emergency that prompted the use of restraints, including preceding events, staff efforts to de-escalate the situation, and reasons for the use of restraint;

ii) The date and time that restraints were applied to the consumer, the methods used in restraining the consumer, the duration of restraint use, the time of release, and events surrounding release;

iii) The names and titles of the staff responsible for applying the restraint and for monitoring the consumer, and the names and titles of any other staff involved in the incident;

iv) Orders by the psychiatrist or psychiatric medical director who was notified of the restraint;

v) The emergency transportation that was used and the hospital to which the consumer was taken;

vi) Any injury or other negative impact sustained by the consumer; and

vii) The date of the scheduled care planning conference and the results of the care plan review in light of the use of emergency restraints.

I) Facility staff, including safety personnel, shall receive a basic orientation in crisis prevention and in safe physical hold and restraint methods. No facility staff may use any physical hold or other restraint method unless trained pursuant to subsection (b)(1).

J) The facility shall maintain written records of training related to the use of restraints and to de-escalation practices provided to staff.

c) Therapeutic Separation

1) The facility shall develop policies and procedures for the use of therapeutic separation as a strategy for creating a coercion-free environment.

2) The facility shall designate specific space (e.g., a comfort room) for therapeutic separation that is designed in a way that calms the senses and provides a temporary sanctuary from stress. The comfort room shall be:

A) Used as a tool to teach individuals calming techniques to decrease agitation and aggressive behavior;

B) Used to prevent the use of emergency restraints;

C) Used at the consumer's will, and shall remain unlocked;

D) Located in an area that is easily accessible to those who will be using it and close to a staffed area for adequate line of sight and supervision;

E) Used before the onset of aggressive/uncontrolled behavior, and after as necessary; and

F) Developed and furnished with input from staff and consumers.

3) Therapeutic separation shall not be forced upon consumers and shall not be used as punishment.

4) Supervised therapeutic separation may be used for de-escalation of a potentially harmful situation, provided that:

A) The supervised separation lasts for no more than 30 minutes without the facility contacting the psychiatric medical director in accordance with Section 380.610(d);

B) The consumer is attended by an MHP or CRSS at all times in therapeutic separation until the consumer can reasonably discuss the situation or event;

C) An MHP or licensed nurse personally reviews the therapeutic separation situation at least every 15 minutes while a consumer is in therapeutic separation; and

D) The situation is entered into the consumer's record for review by the Interdisciplinary Team.

d) The use of chemical restraints is prohibited.

Section 380.170 Consumer Background Checks

a) Except for triage centers, *a facility shall, within 24 hours after admission, request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons age 18 or older seeking admission to the facility, unless a background check was initiated by a hospital pursuant to subsection (d) Section 6.09(d) of the Hospital Licensing Act. Background checks conducted pursuant to this Section shall be based on the consumer's name, date of birth, and other identifiers as required by the Department of State Police*. (Section 2-104(a) of the Act)

b) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at www.isp.state.il.us and the Illinois Department of Corrections sex registrant search page at www.idoc.state.il.us to determine if the individual is listed as a registered sex offender.

c) *If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the consumer meets criteria related to the consumer's health or lack of potential risk* (Section 2-104(a) of the Act). The facility shall arrange for a fingerprint-based background check or request a waiver from the Department within five days after receiving

inconclusive results of a name-based background check. The fingerprint-based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check.

d) *A waiver issued pursuant to Section* 2-104(a) of the Act *shall be valid only while the consumer is immobile or while the criteria supporting the waiver exist*. (Section 2-104(a) of the Act)

e) *The facility shall provide for or arrange for any required fingerprint-based checks to be taken on the premises of the facility* or off-site premises if accompanied by staff. *If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the consumer's dignity and that minimizes any emotional or physical hardship to the consumer.* (Section 2-104(a) of the Act)

f) If a facility does not conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident's immobility or risk nullification of the waiver issued pursuant to Section 2-104(a) of the Act.

g) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based background check are pending; while the results of a request for waiver of a fingerprint-based check are pending; and/or while the Identified Offender Report and Recommendation prepared pursuant to Section 2-105(d) of the Act is pending.

Section 380.180 Identified Offenders

a) The facility shall review the results of the criminal history background checks immediately upon receipt of the checks.

b) The facility shall be responsible for taking all steps necessary to ensure the safety of consumers while the results of a name-based background check or a

fingerprint-based check are pending.

c) *If the results of a consumer's criminal history background check reveal that the consumer is an identified offender as defined in* Section 1-102 of the *Act, the facility shall do the following*:

1) *Immediately notify the Department of State Police, in the form and manner required by* DSP, *in collaboration with the Department of Public Health, that the consumer is an identified offender*.

2) *Within 72 hours, arrange for a fingerprint-based criminal history record inquiry to be requested on the identified offender consumer. The inquiry shall be based on the subject's name, sex, race, date of birth, fingerprint images, and other identifiers required by* DSP. *The inquiry shall be processed through the files of* DSP *and the Federal Bureau of Investigation to locate any criminal history record information that may exist regarding the subject. The Federal Bureau of Investigation shall furnish to* DSP *pursuant to an inquiry under this subsection* (c)(2) and Section 2-104(b) of the Act, *any criminal history record information contained in its files*. (Section 2-104(b) of the Act)

d) The facility shall comply with all applicable provisions contained in the Uniform Conviction Information Act.

e) All name-based and fingerprint-based criminal history record inquiries shall be submitted to DSP electronically in the form and manner prescribed by DSP. DSP may charge the facility a fee for processing name-based and fingerprint-based criminal history record inquiries. The fee shall be deposited into the State Police Services Fund. The fee shall not exceed the actual cost of processing the inquiry.

f) If identified offenders are consumers of a facility, the facility shall comply with all of the following requirements:

1) The facility shall inform the appropriate county and local law enforcement

offices of the identity of identified offenders who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense who are consumers of the facility. If a consumer of a licensed facility is an identified offender, any federal, State or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual consumer to verify compliance with the requirements of the Sex Offender Registration Act, to verify compliance with the requirements of the Act and this Part, or to verify compliance with applicable terms of probation, parole or mandatory supervised release. Reasonable access under this provision shall not interfere with the identified offender's medical or psychiatric care.

2) The facility staff shall meet with local law enforcement officials to discuss the need for and to develop, if needed, policies and procedures to address the presence of facility consumers who are registered sex offenders or are serving a term of parole, mandatory supervised release or probation for a felony offense, including compliance with Section 380.550.

3) Every licensed facility shall provide to every prospective and current consumer and consumer's guardian, and to every facility employee, a written notice, prescribed by the Department, advising the consumer, guardian or employee of his or her right to ask whether any consumers of the facility are identified offenders. The facility shall confirm whether identified offenders are residing in the facility.

A) The notice shall also be prominently posted within every licensed facility.

B) The notice shall include a statement that information regarding registered sex offenders may be obtained from the DSP website, www.isp.state.il.us, and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections website, www.idoc.state.il.us.

4) If the identified offender is on probation, parole or mandatory supervised release, the facility shall contact the consumer's probation or parole officer, acknowledge the terms of release, update contact information with the probation or parole office, and maintain updated contact information in the consumer's record. The record must also include the consumer's criminal history record.

g) Facilities shall maintain written documentation of compliance with Section 380.170.

h) Recovery and rehabilitation supports units and transitional living units shall annually complete all of the steps required in subsection (f) for identified offenders. This requirement does not apply to consumers who have not been discharged from the facility during the previous 12 months.

i) For current consumers who are identified offenders, the facility shall review the security measures listed in the Identified Offender Report and Recommendation provided by DSP.

j) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the psychiatric medical director and law enforcement, shall specifically address the consumer's needs in an individualized treatment plan.

k) *The facility shall incorporate the Identified Offender Report and Recommendation into the identified offender's care plan* (treatment plan) *created pursuant to 42 CFR 483.20*. (Section 2-105(f) of the Act)

l) *If the identified offender is a convicted* (see 730 ILCS 150/2) *or registered* (see 730 ILCS 150/3) *sex offender or if the Identified Offender Report and Recommendation* prepared pursuant to Section 2-105(d) of the Act *reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility*. (Section 2-105(d) of the Act)

m) The facility's reliance on the Identified Offender Report and Recommendation shall not relieve or indemnify in any manner the facility's liability or

responsibility with regard to the identified offender or other facility consumers.

n) The facility remains responsible for continuously evaluating the identified offender and for making any changes in the treatment plan that are necessary to ensure the safety of consumers.

o) Incident reports shall be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 380.530. The facility shall review its treatment plan and placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility shall identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified offender or others. If the facility cannot protect the other consumers from misconduct by the identified offender, or *if, based on the Identified Offender Report and Recommendation, a facility determines that it cannot manage the identified offender consumer safely within the facility, it shall commence involuntary transfer or discharge proceedings pursuant to Section 3-402* of the Nursing Home Care Act. (Section 2-105(g) of the Act)

p) The facility shall notify any appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that consumer.

q) The facility shall develop written procedures for implementing changes in consumer care and facility policies when the consumer no longer meets the definition of identified offender as defined in the Act and this Part.

Section 380.190 Consumer Records

a) *The Department shall respect the confidentiality of a consumer's record and shall not divulge or disclose the contents of a record in a manner that identifies a*

consumer, except upon a consumer's death to a relative or guardian or under judicial proceedings. This Section shall not be construed to limit the right of a consumer to inspect or copy the consumer's own records, and the consumer may inspect and copy his or her own records.

b) *Confidential medical, social, personal, or financial information identifying a consumer shall not be available for public inspection in a manner that identifies a consumer*, or in a manner that violates the Mental Health and Developmental Disabilities Confidentiality Act or the federal Health Insurance Portability and Accountably Act. (Section 3-206 of the Act)

Section 380.200 Assessment, Level of Service Determination, and Authorization

a) Authorizations for levels of service shall facilitate treatment in the least restrictive settings. Authorization is not required for admission to triage centers. Authorization is required for admission to crisis stabilization, transitional living, and recovery and rehabilitation supports. Authorization shall be limited in time based on the clinical status and needs of the consumer and the maximum length of stay at each level of service. A facility may request re-authorization if the initial authorization has expired and the consumer still requires treatment at a specific level of service. Initial authorizations shall be conducted by venders who are contracted with the State. Re-authorizations may be conducted by the same vendor or by a managed care entity.

b) Admission

1) Except for triage, each consumer shall receive an assessment prior to admission to a facility. The assessment shall be used to determine the appropriate level of service for service delivery and is required for authorization of services.

2) *After the provisional license period, no individual with mental illness whose service plan provides for placement in community-based settings shall be housed or offered placement in a facility at public expense unless, after being fully informed, he or she declines the opportunity to receive services in a community-based setting*. (Section 4-107 of the Act)

3) To ensure that consumers are fully informed of their options regarding community-based services, the facility shall document, in writing, that

community-based providers were granted access to each consumer. Information to be shared with consumers whose service plans provide for placement in a community-based setting shall include those items included in subsections (f) through (h) and:

A) An introduction to community based settings, permanent supportive housing and community-based services available to assist consumers in these settings and the financial support consumers may receive in these settings; and

B) A description of the benefits of placement in a community-based setting.

4) The facility shall not admit any consumer or be compensated for services prior to the completion of the assessment and the authorization by the State-designated assessment and authorization entity. Authorizations are not required for admission to a triage unit. Authorization is required prior to admission to:

A) Crisis stabilization units;

B) Transitional living units; and

C) Recovery and rehabilitation supports units.

5) Authorization shall be valid for a limited amount of time, determined by:

1) The clinical status and needs of the consumer; and

2) The length-of-stay limitations at each level of service.

c) Continued Stay or Transfer between Units

1) Additional authorizations may be requested by the interdisciplinary team if the initial authorization has expired and the consumer continues to require treatment at a specific level of service. Authorization shall be performed by entities authorized by the Department of Healthcare and Family Services. Authorizing entities may be, but are not required to be, managed care entities assigned as the consumer's primary provider.

2) Any transfer to a new level of service requires the authorization by the State-designated assessment and authorization entity. The facility shall not admit any consumer or be compensated for services in a new level of service prior to authorization by the State-designated assessment and authorization entity.

d) Assessment Content for Assessments Conducted by the Facility
All initial assessments and annual re-assessments conducted by the facility shall be person centered and focus on the services and supports required for the consumer to live in permanent supportive housing or another appropriate community-based setting. All assessments shall include, but are not limited to, the consumer's:

1) Social history and demographic background information;

2) Psychiatric history and history of psychiatric hospitalizations;

3) Substance use history, including a substance abuse assessment;

4) Cognitive impairment screen;

5) Co-morbid medical conditions, treatment and management;

6) Medication history and compliance;

7) Strengths and preferences;

8) Risk indicators or potential;

9) Criminal history;

10) ADL and IADL self-management skills;

11) Medical condition, including any medical condition that may have an impact on the person's appropriateness for placement in a community-based setting;

12) History of physical abuse or trauma, including childhood sexual or

physical abuse, intimate partner violence, sexual assault, or other forms of interpersonal violence;

13) Goals and objectives that the consumer will need to achieve to be discharged to community living; and

14) Preference to be placed in a gender-specific unit or bed. The facility shall provide this placement if it is available.

e) The assessment shall include a consultation with the treating psychiatrist or other professional staff and other persons of the consumer's choosing.

f) The assessments shall be completed by an LPHA and reviewed and signed by the treating psychiatrist within 14 days after admission. The psychiatrist shall complete an independent mental status exam and confirm or revise the initial diagnosis.

g) Re-assessment by the Department of Healthcare and Family Services

1) The Department of Healthcare and Family Services or its designee may conduct re-assessments to comply with the requirements of the Williams Consent Decree. The re-assessments may be conducted:

A) Annually; or

B) No more than once every three months, upon request by the consumer who declined to move to a community-based setting.

2) Annual re-assessments shall document the reasons for the consumer's opposition to transferring to a community-based setting.

h) Re-assessment by the Facility

1) The facility shall also conduct re-assessments:

A) To develop or update a treatment plan; and

B) When there is a change in the consumer's clinical functioning.

2) A recovery and rehabilitation supports unit shall conduct re-assessments within 120 days following admission of a consumer.

Section 380.210 Individualized Treatment Plan

a) Each individualized treatment plan that is implemented by a facility shall be developed with the following principles:

1) The consumer shall be an active participant in the development and evaluation of the treatment plan and progress.

2) All diagnoses and treatment recommendations and options shall be shared and explained to the consumer, within clinical limits.

3) The facility shall seek and honor the consumer's preferences as the treatment plan is developed.

4) The individualized treatment plan shall focus on developing self-reliance, personal decision making, and resiliency.

5) The consumer's strengths shall be identified, and all treatment strategies shall build upon and use these strengths to support the consumer's recovery.

6) The consumer's needs shall be identified for home, community and work environments.

7) The consumer's expressed values and culture shall be considered in the development of the plan.

b) For triage, the treatment plan shall be initiated on admission and shall be updated prior to discharge. For crisis stabilization, the treatment plan shall be updated at least once every seven days. For transitional living, the treatment plan shall be updated at least once every 30 days. For recovery and rehabilitation supports, the treatment plan shall be updated at least quarterly. For crisis stabilization, transitional living, and recovery and rehabilitation supports, the treatment plan shall be updated whenever there has been a change in the consumer's clinical function that has prompted a re-assessment. When updated, the treatment plan shall reflect:

1) Any new interventions that are required to promote stabilization and recovery; and

2) Any changes in the consumer's needs and preferences, including his or her desire to move to a community-based setting.

c) For recovery and rehabilitation supports units only, if a consumer declines to move to a community-based setting, the new individualized treatment plan shall incorporate appropriate services to assist in the acquisition of activities of daily living and illness self-management.

d) The treatment plan shall be reviewed by the treating psychiatrist, the medical doctor, and the IDT, and signed by a physician.

Section 380.220 Transfer or Discharge

a) *Consumers shall be free to leave at any time. If a consumer in a triage center expresses a desire to contact a third party for any purpose, the facility staff shall contact that third party on behalf of the consumer*. (Section 3-108 of the Act)

b) *A consumer may be discharged from a facility after he or she gives the executive director, a physician, or a nurse of the facility written notice of the desire to be discharged. If a guardian has been appointed for a consumer, the consumer shall be discharged upon written consent of his or her guardian. In the event of a requested consumer discharge, the facility is relieved from any responsibility for the consumer's care, safety, and well-being upon the consumer's discharge*. (Section 3-111 of the Act) This requirement shall not be construed to limit the consumer's right to leave the facility at any time.

c) The process for the involuntary transfer or discharge of a consumer from a facility shall be conducted in accordance with Sections 3-401 through 3-423 of the Nursing Home Care Act.

d) The facility shall contact the community-based behavioral health provider following the consumer's discharge from the facility to ensure that the consumer is receiving follow-up care.

SUBPART B: SPECIALIZED MENTAL HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

REHABILITATION FACILITIES PROGRAMS

Section 380.300 Triage Centers

a) Triage centers shall provide an immediate assessment of consumers who present in psychiatric distress, as an alternative to emergency room treatment or hospitalization, and shall connect the consumer with community-based services and treatment when considered necessary. Triage center staff shall determine the continued treatment needs of the consumer and refer him or her to the appropriate treatment services, if needed. A stay at a triage center shall not exceed 23 hours.

b) Consumers accepted at a triage center shall:

1) Have acute symptoms of psychiatric crisis, requiring a structured assessment within a safe, therapeutic environment; and

2) Be expected to benefit from the treatment provided in a triage center.

c) Consumers may self-refer to a triage center. *Consumers may access a triage center from a number of referral sources, including family, emergency rooms, hospitals, community behavioral health providers, federally qualified health providers, or schools, including colleges or universities.* (Section 1-102 of the Act)

d) Triage centers shall not accept for admission:

1) Consumers who are directly referred by police;

2) Anyone younger than 18 years of age;

3) Anyone who is severely intoxicated, or who is at risk of severe withdrawal symptoms from alcohol or other substances as indicated by a DHS-DMH screening instrument;

4) Anyone who has one of the medical conditions in Section 380.120(n), requiring active intervention or treatment and a higher level of medical care beyond the capabilities of the triage center;

5) Anyone who presents an imminent risk of harm to himself or herself or to

others meeting the criteria of involuntary commitment in Section 1-119 of the Mental Health and Developmental Disabilities Code;

6) Anyone who is unable to care for himself or herself meeting the criteria of involuntary commitment in Section 1-119 of the Mental Health and Developmental Disabilities Code;

7) Consumers who are non-ambulatory; or

8) Anyone who falls under any other restrictions in the Act and this Part, including exclusions from the definition of "consumer" in Section 380.100.

e) A triage center shall call 911 for consumers who need immediate medical attention and assess the need for basic life support, and administer the basic life support as clinically indicated.

f) Service Requirements
A consumer who presents at a triage center shall be immediately assessed by an LPHA, or shall be assessed as quickly as is practicable if the triage center is experiencing high consumer traffic. Additional service requirements include:

1) Initial service planning;

2) Case management to provide linkage regarding a consumer's next level of services;

3) Brief therapy interventions, as needed;

4) Assistance with ADLs, as needed;

5) Safety monitoring;

6) Medication services;

7) Determining whether a consumer may require additional services due to a dual diagnosis;

8) The provision of basic medical assessments, including, but not limited to,

vital signs and blood sugar levels; and

9) Engagement of family and natural supports, as practical.

g) Staffing Requirements
The triage center shall maintain the following staffing levels on site in the triage center at all times.

1) At least one LPHA shall be on site at all times to provide clinical supervision and assessment services.

2) A psychiatrist, or a psychiatric advanced practice nurse (APN), shall be immediately available by phone 24 hours per day, and shall be able to respond on site within 90 minutes after being contacted by phone, when facility staff considers this necessary.

3) At least one registered nurse shall be on site at all times to provide health care services.

4) At least one CRSS shall be on site daily to provide recovery support services. Whenever possible, each consumer shall have at least one individual face-to-face discussion with a CRSS prior to discharge from the triage center.

5) At least one MHP per every eight or fewer consumers shall be on site and available to provide mental health services to individuals 24 hours per day.

6) Safety personnel shall be available 24 hours per day, and shall be able to respond within five minutes after being contacted by phone.

h) To ensure rapid and priority access for referrals, a triage center shall maintain collaborative agreements with psychiatric centers, detox centers, longer-term residential substance abuse treatment centers, homeless shelters, hospitals, ambulance departments, and outpatient mental health centers.

i) Discharge Planning

1) Discharge planning shall be conducted in conjunction with a community-based behavioral health provider, a community mental health center, or

other service provider selected by the consumer.

2) In conjunction with the consumer and any individual acting on behalf of the consumer at the consumer's request, a minimum of a QMHP shall develop, or supervise the development of, the discharge plan.

3) Depending on the final assessment of the consumer, he or she may be discharged to home or another living arrangement or, subject to authorization, a community-based behavioral health provider residential program, a crisis stabilization unit, a recovery and rehabilitation supports unit, a transitional living unit, or other appropriate clinical treatment site.

j) *A triage center may be located in a building separate from the licensed location of a facility, but shall not be more than 1,000 feet from the licensed location of the facility and must meet all of the facility standards applicable to the licensed location. If the triage center does operate in a separate building, safety personnel shall be provided, on site, 24 hours per day and the triage center shall meet all other staffing requirements without counting any staff employed in the main facility building.* (Section 1-102 of the Act)

Section 380.310 Crisis Stabilization Units

a) Crisis stabilization units shall provide safety, structure and the support necessary, including peer support, to help a consumer to stabilize a psychiatric episode. The maximum length of stay at a crisis stabilization unit shall not exceed 21 days.

b) Consumers admitted to a crisis stabilization unit shall:

1) Be diagnosed as having a serious mental illness;

2) Be experiencing an acute exacerbation of psychiatric symptoms;

3) Have a need for assessment and treatment within a structured, supervised therapeutic environment; and

4) Be expected to benefit from the treatment provided.

c) A consumer shall not be admitted to a crisis stabilization unit without approved authorization by the State-designated assessment and authorization entity.

d) Visiting family members who are younger than age 18 shall be accompanied by an adult.

e) Crisis stabilization units shall not accept for admission:

1) Anyone younger than 18 years of age;

2) Anyone who is intoxicated, as manifested by unstable vital signs or neurologic impairment, including but not limited to stupor, disorientation, or difficulty with swallowing or breathing that requires medical monitoring to assure medical safety, or who is at risk of severe withdrawal symptoms from alcohol or other substances;

3) Anyone who has one of the medical conditions in Section 380.120(n) requiring active intervention or treatment and a higher level of medical care beyond the capabilities of the crisis stabilization unit;

4) Anyone who is an imminent risk of harm to himself or herself or others, or who is unable to care for himself or herself, and who is eligible for involuntary commitment under the Mental Health and Developmental Disabilities Code;

5) Consumers who are non-ambulatory; or

6) Anyone who falls under any other restrictions in the Act and this Part, including exclusions from the definition of "consumer" in Section 380.100.

f) Service Requirements
The crisis stabilization unit shall ensure that all consumers who are admitted undergo an immediate assessment that, in consultation with the consumer, identifies and prioritizes the immediate and longer term services that the consumer needs. Additional service requirements include:

1) Treatment planning in accordance with Section 380.620(a);

2) Ongoing assessment to determine the consumer's progress and readiness for discharge;

3) Case management, including discharge planning, linkage to the community-based behavioral health provider that has been identified as responsible for the outpatient care for that consumer, referral and follow-up;

4) Therapeutic interventions that use evidence-based practices;

5) Meal services, in accordance with Section 380.650;

6) Assistance with activities of daily living, as needed;

7) Support and monitoring for safety, to include face checks as needed;

8) Skill building to facilitate illness self-management through the identification, development and use of individual strengths and natural supports;

9) Psychiatric evaluations;

10) Medication services; and

11) The capability of providing dual diagnoses services for a consumer, if needed.

g) The crisis stabilization unit shall provide 32 hours per week of group or individual active treatment, as prescribed by each consumer's treatment plan. The active treatment shall be documented in the consumer's record.

h) Discharge Planning

1) In conjunction with the consumer and any individual acting on behalf of the consumer at the consumer's request, a minimum of a QMHP shall develop, or supervise the development of, the discharge plan.

2) Discharge planning shall be conducted in conjunction with a community mental health center or other service provider selected by the consumer.

3) All discharge planning shall commence on admission to the crisis

stabilization unit. If a consumer is homeless, the discharge planning shall include the immediate identification of living arrangements.

4) The crisis stabilization unit shall facilitate connection to the community-based behavioral health provider or community-based provider prior to discharge to foster the development of, or maintain the treatment relationship with, the community-based behavioral health provider or community-based provider.

5) The discharge plan shall be reviewed with the consumer and with any individual acting on behalf of the consumer at the consumer's request, and it shall be revised as progress indicates. At a minimum, the review shall occur once every seven days until discharge.

6) A consumer's supervision levels and his or her needed level of service shall be part of the assessment in determining the discharge plan.

i) The assessment of a consumer's need for face checks pursuant to subsection (f)(7) shall be ongoing and adjusted as needed.

j) Staffing Requirements
In no case shall the staffing ratio in a *crisis stabilization* unit *be less than 3.6 hours of direct care for* each consumer. (Section 2-102(1) of the Act) For the purposes of this Section, "on site" means being in the crisis stabilization unit within a facility. The unit determines the work hours of the employee. For the purpose of computing staff-to-resident ratios, direct care staff shall include the following:

1) An LPHA, to provide clinical supervision of the program. The LPHA shall spend at least 50% of each full-time equivalent (FTE) work week on site at the crisis stabilization unit;

2) At least one QMHP per every 16 or fewer consumers, to provide assessment, individual and group therapy, and other mental health services as needed;

3) A psychiatrist or advance practice nurse who shall be immediately available by phone 24 hours per day and who shall be able to respond on site within 90 minutes after being contacted by phone when facility staff

considers this necessary;

4) At least one registered nurse to provide at least 15 minutes of nursing care per day for each consumer;

5) At least one CRSS, on duty and available for services four hours per day, seven days per week. Each consumer shall have at least one individual, face-to-face-discussion with a CRSS prior to discharge or transfer to another level of service, as well as the opportunity for participation in group and individual meetings to develop a consumer's Wellness Recovery Action Plan;

6) MHPs, to provide mental health services to consumers 24 hours per day. The ratio of individuals served to MHPs shall not exceed 16 to one;

7) RSAs, to provide support and assistance to consumers 24 hours per day. The ratio of individuals served to RSAs shall not exceed 16 to one.

k) The staff of a crisis stabilization unit also shall include a dietetic service supervisor and safety personnel, but these shall not be considered part of the facility's direct care staff.

l) Safety personnel shall be available 24 hours per day, and shall be able to respond within five minutes after being contacted by phone. While crisis stabilization units shall be secure, they are not required to be locked.

m) The direct care staff shall meet weekly for cross-training to support professional skill development.

n) A crisis stabilization unit shall maintain collaborative agreements with:

1) Community-based behavioral health providers to facilitate discharge planning; and

2) A local psychiatric unit to assure rapid priority access when a consumer needs to be admitted to the psychiatric unit.

o) Consumer preferences shall be considered whenever possible.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

Section 380.320 Recovery and Rehabilitation Supports Centers

a) Recovery and rehabilitation supports centers shall facilitate *a consumer's longer-term symptom management and stabilization while preparing the consumer for transitional living units* or transition to the community *by improving living skills and community socialization. The duration of stay in* this *setting shall be* based on the clinical needs of the consumer, as determined by the consumer's interdisciplinary team. (Section 1-102 of the Act)

b) Consumers admitted to an RRS center shall be in need of RRS care as determined by State-authorized assessment, level of service determination, and authorization criteria.

c) A consumer shall not be admitted to an RRS center without authorization and without undergoing the authorization and background check requirements of Sections 380.170 and 380.180.

d) RRS centers shall not accept for admission:

1) Anyone younger than 18 years of age;

2) Anyone with a primary diagnosis of substance use disorder;

3) Anyone who has one of the medical conditions in Section 380.120(n), requiring active intervention or treatment and a higher level of medical care beyond the capabilities of the RRS center;

4) Anyone diagnosed with a traumatic brain injury or diagnosed with dementia;

5) Consumers who are non-ambulatory;

6) Anyone who presents an imminent risk of harm to himself or to herself, or to others and is eligible for involuntary commitment under the Mental Health and Developmental Disabilities Code; or

7) Anyone who falls under any other restrictions in the Act and this Part, including exclusions from the definition of "consumer" in Section 380.100.

e) The determination that a consumer meets the requirements of subsections (d)(2) through (d)(6) shall be made by the center's LPHA. The determination shall be in writing, shall be kept on file at the center for no less than three years, and shall be made available to the Department or to DHS-DMH upon request.

f) Service Requirements
The recovery and rehabilitation supports center shall ensure that:

1) Treatment planning is conducted in accordance with Section 380.210;

2) The continued stay of all consumers is subject to demonstrated medical necessity as substantiated by regular authorization reviews pursuant to the assessment timetables in Section 380.210(b);

3) The facility is capable of performing dual diagnosis services for consumers, including the engagement of services appropriate for the pre-contemplative state of recovery;

4) The facility provides consumers with assistance in identifying and developing natural supports in the community;

5) Consumers receive an initial assessment of their mental health treatment and training needs as required in Section 380.200(d). The initial assessment shall occur within the first two weeks after admission and shall be updated no less than quarterly;

6) Consumers receive adequate case management, including discharge planning and linkage, referral and follow-up to all necessary supports needed to live safely in the community;

7) Consumers receive appropriate therapeutic interventions, including evidence-based practices of IMR, WRAP, motivational interviewing, cognitive training, and wellness and resilience support development.

8) Consumers are provided training in ADLs and IADLs, as clinically appropriate;

9) Consumers receive regular psychiatric and medical evaluations as

indicated by changing conditions in their treatment plans, or as a part of other authorization processes;

10) Consumers receive 15 hours of treatment programming per week, and that the care is documented in the consumer's medical record and is part of the consumer's treatment plan; and

11) Consumers receive adequate medication services, pursuant to Section 380.630.

g) Staffing Requirements
In no case shall the staffing ratios in a *recovery and rehabilitation supports* center *be less than a staffing ratio of 1.8 hours of direct care for* each consumer. (Section 2-102(2) of the Act) For the purposes of this Section, "on site" means being present in the RRS unit within a facility. For the purpose of computing staff-to-resident ratios, direct care staff shall include the following:

1) An LPHA, to provide clinical supervision of the program. The LPHA shall spend at least 25% of each work week on site at the RRS center;

2) For each consumer, a minimum of 15 minutes of nursing care per day by a registered nurse or licensed practical nurse;

3) At least one CRSS, on site eight hours per day, five days per week, to provide recovery support services. Each consumer shall have at least one individual face-to-face discussion with a CRSS within the first week after admission to the RRS center, at least one additional individual, face-to-face discussion prior to discharge or transfer, and the opportunity for participation in group and individual meetings to develop a wellness recovery action plan;

4) MHPs, on site and available to provide mental health services to consumers 24 hours per day, seven days per week. The ratio of consumers to MHPs shall not exceed 32 to one;

5) RSAs, on site and available to provide support and assistance to consumers, as needed, 24 hours per day. The ratio of consumers to RSAs shall not exceed 16 to one;

6) An LPHA, QMHP or MHP to provide clinical services, e.g., treatment planning and therapy, for 60 minutes per consumer per week; and

7) An LPHA, QMHP, MHP, RSA or occupational therapy assistant, to provide group recreational and rehabilitative services for 60 minutes per consumer per week.

h) The RRS center shall ensure that a psychiatrist makes monthly visits to each consumer. In addition, the psychiatrist shall be on call each day and shall be available to respond on site within 24 hours after being contacted by the center when considered necessary by staff.

i) The staff of an RRS center also shall include a dietetic service supervisor, who shall not be considered part of the facility's direct care staff.

j) An RSS center shall maintain collaborative agreements with community mental health agencies to facilitate discharge planning.

k) Discharge Planning

1) In conjunction with the consumer or any individual acting on behalf of the consumer at the consumer's request, a minimum of a QMHP shall develop, or supervise the development of, the discharge plan.

2) Discharge planning shall be conducted in conjunction with a community mental health center or other service provider selected by the consumer, and shall commence as early in the admission as practicable.

3) The RSS unit shall facilitate connection to the community-based behavioral health provider or community-based provider in order to begin discharge planning. Discharge planning shall be part of, and based on, the initial assessment that is conducted when the consumer is admitted to the RSS unit.

4) The discharge plan shall be reviewed at least quarterly with the consumer and any individual acting on behalf of the consumer at the consumer's request, and revised as progress indicates.

Section 380.330 Transitional Living Units

a) Transitional living units shall provide assistance and support to consumers with mental illnesses who have not yet acquired, or who have lost previously acquired, skills needed for independent living and are in need of and can benefit from services in a structured, supervised setting in which the consumer can acquire and practice these skills. The maximum length of stay at a transitional living unit shall be 120 days, and no unit shall be larger than 16 beds.

b) Consumers admitted to a transitional living unit shall:

1) Be in need of transitional living assistance and support as determined by State-authorized assessment, level of service determination, and authorization criteria;

2) Within the past two years, have received a minimum of 60 days of psychiatric hospital care or a minimum of 90 days of institutional care for an exacerbation of serious mental illness;

3) As a result of mental illness, lack critical ADLs or IADLs necessary for living in a less restrictive environment, and require an ongoing structured, supervised therapeutic environment to develop these skills; and

4) Demonstrate an ability to generalize skills and to receive supports from a community provider for transition to a community setting.

c) A consumer who meets the requirements of subsection (b), except for subsection (b)(2), and who receives authorization pursuant to Section 380.200, may be referred to a transitional living unit by a community mental health agency or managed care entity under an ongoing agreement under the following conditions:

1) The referral includes a documented, specific list of skill sets that the consumer needs to acquire;

2) The consumer's documented attempts to develop ADLs and IADLs in the community have been unsuccessful;

3) The consumer has a documented history of chronic homelessness as defined in 24 CFR 578.3 and has been diagnosed with serious mental illness; and

4) The consumer chooses to receive treatment in a transitional living unit, and the consumer's choice has been documented.

d) If a consumer is admitted as a result of a direct transfer from the RSS unit in the facility, and has had a background check within the previous 365 days, a background check under Section 380.180 is not required prior to admission to a transitional living unit.

e) A transitional living unit shall cooperate with a consumer's family, or other persons identified by the consumer, with whom the consumer will live after discharge.

f) A transitional living unit may admit consumers who were hospitalized, if those consumers meet the requirements of subsections (b)(1) through (b)(4) or subsection (c).

g) Transitional living units shall not accept for admission:

1) Anyone younger than 18 years of age;

2) Anyone with a demonstrated sufficient ability to perform ADLs and IADLs well enough to function in a less restrictive environment;

3) Anyone with a primary diagnosis of substance use disorder;

4) Anyone who has one of the medical conditions in Section 380.120(n), requiring active intervention or treatment and a higher level of medical care beyond the capabilities of the transitional living unit;

5) Anyone who is unable to participate in rehabilitation or engage in treatment and services in the transitional living unit;

6) Anyone diagnosed with a traumatic brain injury or diagnosed with dementia;

7) Anyone who presents an imminent risk of harm to himself or to herself, or to others and who is eligible for involuntary commitment under the Mental Health and Developmental Disabilities Code;

8) Anyone who is non-ambulatory; or

9) Anyone who falls under any other restrictions in the Act and this Part, including exclusions from the definition of "consumer" in Section 380.100.

h) Visiting family members who are younger than age 18 shall be accompanied by an adult.

i) Service Requirements
The transitional living unit shall ensure that:

1) An occupational therapist completes a face-to-face assessment within the first week after each consumer's admission. All recommendations, including the services to be offered to the consumer, shall be discussed with the consumer;

2) Each consumer receives 90 minutes of individual occupational therapy or rehabilitation per week, provided by an occupational therapy assistant or a trained RSA and an MHP, and each consumer receives 18 hours of treatment programming per week. The RSA and the MHP shall be trained in evidence-based skills training. The occupational therapy, rehabilitation, and treatment programming shall be documented in the consumer's record and shall be part of each consumer's individualized treatment plan;

3) Treatment planning is conducted in accordance with Section 380.620(a);

4) Consumers receive an ongoing assessment, pursuant to the requirements in Section 380.210(b), of their mental health treatment and training needs related to the ADLs and IADLs. These assessments shall include:

A) Risk assessment and appropriate risk mitigation alternative strategies;

B) Assessing the consumer's ability to manage money; and

C) A cognitive screen related to skill development;

5) Consumers receive adequate case management, including discharge planning, linkage, referral and follow up;

6) Consumers receive appropriate therapeutic interventions, including evidence-based practices of IMR, WRAP, motivational interviewing, cognitive training, and wellness and resilience support development;

7) Consumers undergo intensive training in ADLs and IADLs, including the use of a dietitian or dietetic services supervisor in meal planning and training for individuals with medical diet needs;

8) Consumers receive adequate skill building to facilitate illness self-management through the identification, development and use of individual strengths and natural supports;

9) Consumers receive regular psychiatric evaluations as indicated by changing conditions in the treatment plans, or as part of other authorization processes;

10) Consumers receive adequate medication services, pursuant to the requirements in Section 380.630; and

11) The transitional living unit is capable of performing dual diagnosis services for a consumer, if needed.

j) Staffing requirements
In no case shall the staffing ratios in a *transitional living* unit *be less than a staffing ratio of 1.6 hours of direct care for* each consumer [210 ILCS 49/2-102(3)]. For the purposes of this Section, "on site" means being present in the transitional living unit within a facility. For the purpose of computing staff-to-resident ratios, direct care staff shall include the following:

1) An LPHA, who shall provide clinical supervision of the program. The LPHA shall spend at least 30 minutes per week per consumer on site at the transitional living unit and be on the unit at least three days per week;

2) For every consumer, at least 15 minutes of nursing care per day by a registered or licensed practical nurse;

3) At least one CRSS on duty and available for services 90 minutes per consumer per week. Each consumer shall have at least one individual face-to-face discussion with a CRSS within the first week after admission to the transitional living unit, and at least one additional individual, face-to-face discussion prior to discharge or transfer, as well as the opportunity for participation in group and individual meetings to develop his or her wellness recovery action plan. An MHP may substitute for a CRSS if the facility has documented, unsuccessful efforts, at least every six months, to employ a CRSS in compliance with Section 380.130(k);

4) MHPs, who shall be on site and available 24 hours per day, seven days per week to provide mental health and casework services to consumers. The ratio of consumers to MHPs shall not exceed 16 to one.

k) Facility staff shall make documented, scheduled rounds every two hours to the transitional living unit whenever only one staff member is on duty. If the transitional living unit has admitted a consumer who was not already residing in the facility, the rounds when only one staff member is present shall be every hour of the first week of the consumer's admission.

l) RSAs and other staff shall be present as needed to fulfill the service requirements of subsection (i) and any other service requirements of this Part.

m) The transitional living unit shall develop a written emergency response plan that requires, at a minimum that safety personnel be available 24 hours per day and able to respond within five minutes after being contacted by phone. Overnight staff in the transitional living unit shall be trained in the implementation of the emergency response plan.

n) The transitional living unit shall arrange for a psychiatrist to make routine visits. In addition, a psychiatrist shall be on call to the transitional living unit daily and respond on site within 24 hours when deemed necessary by staff.

o) Each transitional living unit shall have a dietitian available who conducts at least one assessment of each consumer within the first week after admission. The dietetic service supervisor shall function as a part of the treatment team, participating in the development of treatment recommendations, advising staff of any dietary concerns, and providing training to direct care staff regarding the development of meal planning, budgeting and cooking skills.

p) The treatment team shall conduct weekly meetings to facilitate cross training to support skill development.

q) A transitional living unit shall maintain collaborative agreements with community mental health agencies, local psychiatric units, and substance abuse providers to facilitate discharge planning.

r) Discharge Planning

1) In conjunction with the consumer and any individual acting on behalf of the consumer at the consumer's request, a minimum of a QMHP shall develop, or supervise the development of, the discharge plan.

2) Discharge planning shall be conducted in conjunction with a community mental health center or other service provider selected by the consumer and shall commence on admission to the transitional living unit.

3) The transitional living unit shall facilitate connection to the community-based behavioral health provider or community-based provider to begin discharge planning within the first month after admission to the transitional living unit to foster the development of, or maintain the treatment relationship with, the community-based behavioral health provider or community-based provider.

4) The discharge plan shall be reviewed with the consumer and any individual acting on behalf of the consumer at the consumer's request and revised as progress indicates. This review shall be conducted a minimum of once every 30 days until discharge.

SUBPART C: PROGRAM PERSONNEL

Section 380.400 Employee Personnel Policies and Records

a) Each facility shall develop and maintain written personnel policies that are followed in the operation of the facility. These policies shall include, at a minimum, each of the requirements of this Section.

b) Employee Records

1) Employment application forms shall be completed for each employee and kept on file in the facility. Completed forms shall be available to the Department for review.

2) Individual personnel files for each employee, intern, unpaid staff and volunteer regularly scheduled at least weekly to work directly with consumers shall contain date of birth; home address; educational background; experience, including types and places of employment; date of employment and position employed to fill in this facility; and (if no longer employed in this facility) last date employed.

3) Individual personnel files for each employee, intern, unpaid staff and volunteer regularly scheduled at least weekly to work directly with consumers shall contain health records, including the initial health evaluation and the results of the tuberculin skin test, and any other pertinent health records.

4) Individual personnel records for each employee, intern, unpaid staff and volunteer regularly scheduled at least weekly to work directly with consumers shall contain records of the employee's performance evaluations.

c) Prior to employing any individual in a position that requires a State license or certification, the facility shall contact the Illinois Department of Financial and Professional Regulation or certifying entity to verify that the individual's license is active. A copy of the verification shall be placed in the individual's personnel file.

d) For all non-licensed employees, interns, unpaid staff and volunteers regularly scheduled at least weekly to work directly with consumers, the facility shall comply with Section 380.420.

e) All personnel shall have either training or experience, or both, in the job assigned to them. Written documentation of this training shall be placed in each employee's personnel file and shall be made available to the Department upon request.

f) The facility shall have a comprehensive set of written personnel policies and procedures that include, but are not limited to:

1) Job descriptions and qualifications and documentation of current licensure and certification for all staff, including those on contract with the facility or with an entity subcontracting with the facility. The facility shall also maintain job descriptions for volunteers, interns and other unpaid personnel;

2) Documentation that staff and interns who provide or supervise services pursuant to this Part meet the staff qualifications defined in this Part and that their individual performance is evaluated at least once every 12 months;

3) Documentation that volunteers regularly scheduled at least weekly to work directly with consumers and other unpaid personnel who provide services pursuant to this Part meet the requirements in Section 380.130(m) and that their individual performance is evaluated at least once every 12 months; and

4) Documentation that the facility has written personnel policies concerning hiring, evaluating, disciplining and terminating employees, interns, unpaid staff and volunteers regularly scheduled at least weekly to work directly with consumers.

g) The facility shall provide to the Department, upon request, written documentation indicating that staff have engaged in professional development and continuing education as prescribed by DHS-DMH. Acceptable documentation shall demonstrate post-training competency, including copies of post tests or certificates of completion. Annual in-service training programs approved by DHS-DMH shall include the facility's policies, skill training and ongoing education to enable all personnel to perform their duties effectively. The facility shall keep written records of program content for each session and of personnel attending each session, and the records shall be available to the Department upon request.

h) Facilities shall not allow any person to work in any capacity until the facility has inquired of the Department's Health Care Worker Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the facility shall not employ him or her in any capacity.

i) Facilities shall not allow volunteers regularly scheduled at least weekly to work directly with consumers until the facility has inquired of the Department's Health Care Worker Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the facility shall not allow him or her to volunteer in any capacity.

j) Each facility shall develop, implement and maintain a plan for clinical supervision of QMHPs, MHPs and RSAs who perform services under the Act and this Part. Group supervision is acceptable, and the size of the group shall be conducive to the provision of clinical supervision. Supervision shall be documented in writing. Supervision of staff as noted in this subsection shall be for a minimum of one hour per week through face-to-face, teleconference or videoconference contact.

1) QMHPs shall be supervised by an LPHA.

2) MHPs and RSAs shall be supervised by, at a minimum, a QMHP.

3) LPHAs are not required to have clinical supervision under this Section.

Section 380.410 Initial Health Evaluation for Employees, Interns and Volunteers

a) Each employee, intern, unpaid staff and volunteer regularly scheduled at least weekly to work directly with consumers shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that pose undue risk of infection to themselves, other employees, consumers or visitors.

b) The initial health evaluation shall be conducted within 90 days prior to employment through 30 days after employment.

c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions that would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, chronically draining infections or open wounds.

d) The initial health evaluation shall include a physical examination and shall include a statement about the presence of any communicable disease that could

pose a risk to the person, other employees, consumers or visitors. The evaluation shall also determine whether the employee is physically able to perform the job functions that the facility intends to assign to the employee, intern, unpaid staff and volunteer regularly scheduled at least weekly to work directly with consumers.

e) The initial health evaluation shall include a tuberculin skin test that is conducted in accordance with the Control of Tuberculosis Code. The facility shall have a written policy on its tuberculin skin tests.

Section 380.420 Health Care Worker Background Check

A facility shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code.

Section 380.430 Executive Director

a) Each facility shall employ an executive director to be responsible for the *general administration and supervision of* the *facility* (Section 1-102 of the Act), who is:

1) An LPHA or QMHP with a minimum of at least two years of supervisory or management experience and at least one year of relevant experience, e.g., working directly with persons with serious mental illness; or

2) An administrator licensed under the Nursing Home Administrators Licensing and Disciplinary Act, with a minimum of at least two years of supervisory or management experience and at least one year of experience working directly with persons with serious mental illness.

A) At the end of the three-year provisional license period, nursing home administrators who were acting as executive directors of a specialized mental health rehabilitation facility as of July 22, 2013, and who had a minimum of at least two years of supervisory or management experience and at least one year of experience working directly with persons with serious mental illness may serve as executive director of a facility licensed under the Act.

B) After the provisional licensing period has ended, all newly hired executive directors of specialized mental health rehabilitation

facilities shall meet the requirements listed in subsection (a)(1).

b) The licensee shall report any change in the executive director to the Department within five days following the change.

c) The executive director shall delegate, in writing, authority to a qualified subordinate to act during the executive director's absence. This administrative assignment shall not interfere with consumer care and supervision. The Department will consider the executive director, or the person designated by the executive director to be in charge of the facility in the executive director's absence, to be the agent of the licensee for the purpose of the Act and this Part. At the conclusion of any visit by Department surveyors, the surveyors will provide the licensee with a copy of the report before leaving the facility.

d) The executive director shall arrange for facility supervisory personnel to annually attend appropriate educational programs.

e) The executive director shall appoint, in writing, a member of the facility staff to coordinate the establishment of, and render assistance to, the consumers' advisory council.

f) The licensee and the executive director shall be familiar with the Act and this Part and shall be responsible for ensuring that the applicable requirements are met in the facility, and that employees are familiar with the requirements of the Act and this Part relevant to their job duties.

Section 380.440 Psychiatric Medical Director

a) The facility shall have a psychiatric medical director who is licensed under the Medical Practice Act of 1987 and who is board eligible or board certified in psychiatry from the American Board of Psychiatry and Neurology. The psychiatric medical director is responsible for advising the executive director and the program LPHA on the overall psychiatric management of the consumers.

b) The psychiatric medical director shall be the medical director of the facility. For all non-mental illness related medical issues, the medical director shall comply with Section 380.600(b)(3).

c) The psychiatric medical director shall annually approve, in writing, the facility's

written policies and procedures applicable to the psychiatric programming.

d) The psychiatric medical director shall be present at the facility for at least one hour every week to meet with and observe consumers and staff and their interactions and to make suggestions for changes in staff behavior and training, including changes in the facility policies and procedures. The facility shall keep records demonstrating that this requirement has been met.

SUBPART D: ADMINISTRATION

Section 380.500 Required Policies and Procedures

a) The licensee shall be responsible for compliance with licensing requirements and for the organization, management, operation and control of the facility. The delegation of any authority by the licensee shall not diminish the responsibilities of the licensee.

b) *A facility shall establish written policies and procedures to implement the responsibilities and rights provided under* the Act and this Part. *The policies shall include the procedure for the investigation and resolution of consumer complaints. The policies and procedures shall be clear and unambiguous and shall be available for inspection by any person. A summary of the policies and procedures, printed in not less than 12-point font, shall be distributed to each consumer and representative*. (Section 3-208 of the Act) Written policies and procedures also shall be established and implemented for each of the following:

1) The administration and management of the facility;

2) Personnel policies and procedures, which shall include:

A) Job descriptions detailing qualifications and essential duties of each classification of employee, available to all personnel;

B) Employee orientation to the facility, job, consumer population, policies, procedures and staff;

C) Employee benefits;

D) Employee health and grooming; and

E) Verification of licensure, credentials, certification, education, training and references;

3) Policies and procedures for consumer admission, transfer, day passes and weekend passes, discharge and other care transitions; charge for services included in the basic rate; charges for other services and causes for termination of services. The facility shall comply with the rules of the State-designated assessment and authorization entity;

4) Policies and procedures governing consumer records, including, but not limited to:

A) Access to, duplication of, and dissemination of information from consumer records, with a specific policy and procedure for sharing information with behavioral health providers and consumers pursuant to applicable federal and State laws; and

B) Ensuring confidentiality of consumer information, pursuant to applicable federal and State laws and this Part;

5) Policies and procedures for reporting incidents and accidents, the abuse and neglect of consumers, and the theft of consumers' property and other data as required in Section 380.530;

6) A written organizational chart showing each program, the person in charge of each program, the lines of authority, including responsibility and communication, and the staff assignments, including information on the governing structure;

7) Policies concerning the use of restraints only with informed consent, and

other restraint and therapeutic separation policies and procedures pursuant to the Act and to Section 380.160;

8) Policies concerning the administration of psychotropic medication only with informed consent, and other informed consent to medical and psychiatric treatment policies and procedures pursuant to the requirements in Section 380.150 of this Part and Section 3-106(b) of the Act;

9) Policies and procedures to ensure that experimental research and treatment on consumers is conducted only in accordance with the oversight of an Institutional Review Board, pursuant to the requirements in Section 380.580;

10) Dietary services, policies and procedures; and

11) Environmental services policies and procedures, including provision for the housekeeping and maintenance of a safe, clean environment for consumers, employees and the public.

c) Each facility shall employ or otherwise provide an executive director, delegated by the licensee to be responsible for the administration and management of the facility. The executive director shall be responsible for the administration and management of only one facility. If these responsibilities are delegated to the executive director, liability shall remain with the licensee or the facility's governing body.

Section 380.510 Quality Assessment and Performance Improvement

a) The licensee shall ensure that the facility's executive director and the governing body develop, implement and maintain a data-driven quality assessment and performance improvement (QAPI) program. The program shall emphasize quality structures, processes and activities, with a goal of improved behavioral health outcomes that enable consumers to transition to the most integrated community-based settings possible. The written program shall be updated annually and shall require the following:

1) An ongoing program for quality improvement and consumer safety as a priority for facility management that is communicated throughout the facility;

2) A quality improvement committee that shall regularly review and evaluate all QAPI activities and progress;

3) At all levels of service in a facility, the priorities for improved quality of care and consumer safety are identified and addressed, and all improvement actions are evaluated for efficacy;

4) Written benchmarks, targets and standards of care for safety and quality of care that, for each indicator, shall be well established and communicated throughout the facility. Outcomes shall be regularly reviewed to measure them against the benchmarks and targets;

5) The allocation of adequate resources for measuring, assessing, improving and sustaining the facility's performance in complying with the Act and this Part;

6) A method for investigating, monitoring and tracking incidents and accidents, with a written action plan to prevent reoccurrences;

7) That the facility share the results of the QAPI activities with the consumer's advisory council. Results of data collections and performance improvement projects (PIPs) shall be shared with the consumers' advisory council, and input and recommendations from the consumers' advisory council shall be shared with the governing body;

8) A method for conducting annual PIPs, with the report of the PIP and recommendations for process improvements shared with the executive director and the governing body; and

9) A data collection and reporting process that assures the submission, at least quarterly, of all reports or other required data within prescribed time frames.

b) Quality improvement indicators for triage, crisis stabilization, transitional living

and rehabilitation and recovery services shall include, at a minimum:

1) Verification that prior-authorizations and re-authorizations were secured as applicable for appropriate care and service delivery;

2) Verification that assessments and treatment plans have been conducted to meet consumer needs;

3) Verification that evidence-based practices and person-centered treatment plans are being performed to meet consumer needs as applicable;

4) Verification that appropriate licensed and certified IDT professionals are performing duties as required;

5) Verification that planning and community linkage has occurred to facilitate consumer-community integration;

6) Verification that care coordination and case management systems are in place to achieve quality treatment outcomes and community integration;

7) Verification that facility policy and procedures are established, documented, implemented and evaluated;

8) Verification that consumer records contain all relevant information, including, but not limited to, demographic information, historical information, medical information, nutrition and dietary information, social information, psycho-social information, treatment plans, therapy information, assessments, discharge plans, and community support services; and

9) Verification of training to the administration, to the supervisory staff, and to the direct care staff.

c) The quality improvement committee shall:

1) Review all performance indicators, data from consumer quality of life surveys, staff surveys, findings from root cause analyses, performance improvement projects, and other relevant sources of data. The quality improvement committee shall make recommendations to the facility

leadership and governing body based on the facility's performance of the indicators in subsection (b). The quality improvement committee shall be composed of members of the facility management team. Procedures for the operation of the quality improvement committee shall be included in the written QAPI program plan; and

2) Conduct a root cause analysis when an in-depth understanding is needed of an incident or accident, or a violation, in the facility, including its causes and implications. The quality improvement committee shall develop policies and procedures for the use of root cause analyses to examine issues across systems in the facility to prevent future serious incidents and accidents and violations, and to promote sustained improvement. The findings of root cause analyses shall be available to the Department, DHS-DMH and the Department of Healthcare and Family Services upon request.

Section 380.515 Reportable Performance Indicators

a) The following information shall be made available to the Department upon entry to the facility by a Department survey team:

1) Census information;

2) Key personnel of the facility and the facility's governing body;

3) A roster of the facility's residents with room numbers;

4) Program discharge summaries;

5) Accrediting benchmark achievements;

6) Accrediting performance improvement reports and compliance.

7) The facility's staffing plan;

8) Staff turnover rate;

9) The facility's floor design;

10) The facility's admissions and discharges;

11) Incident reports prepared pursuant to Section 380.530;

12) The facility's performance improvement project or projects;

13) Written records on the facility's use of restraints;

14) Pharmacy reports of adverse outcomes;

15) Medication error reports;

16) The facility's written policies and procedures; and

17) The facility's identified offender list.

b) The facility shall provide to the Department upon request all data elements that a facility is required to submit to any State agency, managed care organization, accrediting body, or any other third party.

c) The facility shall submit the following information concerning each level of service to the Department, DHS-DMH and the Department of Healthcare and Family Services (HFS) at least monthly. This information shall include, but not be limited to:

1) Admissions, including referral sources and consumer living arrangements prior to admission;

2) Transfers to other facilities, to facilities licensed under the Nursing Home Care Act, to private hospitals for both medical and psychiatric treatment, and between levels of service;

3) Discharges, including the frequency of discharges to community-based behavioral health providers, other community-based providers, private hospitals for both medical and psychiatric treatment, State hospitals, detox centers, and involuntary discharges;

4) All emergency department visits for both medical and psychiatric treatment;

5) Re-admissions to a facility within 30 days after discharge;

6) Suicides and suicide attempts;

7) Deaths of consumers, including deaths of consumers during hospital visits;

8) Incidents of abuse, neglect and maltreatment, including sexual assault; and

9) The number of times restraints were used.

d) The facility shall submit the results of consumer perception of care or quality of life surveys to the Department, DHS-DMH and HFS at least biannually.

Section 380.520 Information to Be Made Available to the Public

a) The following information shall be conspicuously posted in a prominent location accessible to the public:

1) A listing of all services and programs provided directly by the facility and those provided through written contracts;

2) *Staffing and personnel levels* for each level of licensed service;

3) The location of the most recent *licensure and inspection information* for the facility, and the related plan of correction, if applicable, and that this information is available for public review;

4) *National accreditation information*;

5) *Consumer charges*;

6) *Consumer complaint information*;

7) State specialized mental health rehabilitation facility benchmark performance percentages for all certified programs provided by the

facility;

8) That the facility's written admission and discharge policies are available upon request; and

9) A notice of how to file a complaint with the Department's complaint hotline.

b) Procedures *for the public disclosure of information shall be in accordance with provisions for inspection and copying of public records in the Freedom of Information Act*. (Section 3-205 of the Act)

Section 380.530 Incidents, Accidents and Emergency Care

a) The facility shall have written policies and procedures for investigating, reporting, tracking and analyzing incidents, accidents and emergency care situations through the facility's management structure, up to and including the licensee and governing body representatives. The facility shall ensure that employees demonstrate their knowledge of and follow, these policies and procedures. A descriptive summary of each incident and accident affecting a consumer shall also be recorded in the progress notes for that consumer. For purposes of this Section, "serious" means any incident or accident that causes physical harm or injury to a consumer and requires medical treatment. Serious incidents, accidents and emergency care situations shall include, but are not limited to, the following:

1) Sexual assault;

2) Abuse, neglect or other maltreatment;

3) All deaths, including deaths of consumers who have been transferred to a hospital;

4) Medication errors that result in a consumer's unstable vital signs or referral to an emergency room;

5) Physical injury;

6) Assault;

7) Battery;

8) Missing persons after 24 hours;

9) Theft;

10) Criminal conduct, including arrests and other interaction with police;

11) All hospitalizations, both medical and psychiatric;

12) All emergency department admissions, both medical and psychiatric; and

13) Fires.

b) The facility shall notify the Department of any serious incident or accident requiring emergency care situations and every consumer death.

c) Any facility employee or agent who becomes aware of a serious incident or accident, emergency care situation involving a consumer, or becomes aware of a consumer death, shall report it immediately to the executive director. An executive director who becomes aware of the incident, accident or emergency care situation involving a consumer, or becomes aware of a consumer death, shall immediately report the matter by telephone and in writing to the consumer's guardian, the consumer's substitute decision maker, if any, any other individual designated in writing by the consumer, and the Department. The executive director shall report consumer allegations of abuse or neglect to the Department within 24 hours after the allegation is made.

d) The facility shall, by fax or phone, notify the Department central office within 24 hours after each serious incident, accident or emergency care situation. If a reportable incident, accident or emergency care situation results in the death of a consumer, the facility shall, after contacting local law enforcement pursuant to Section 380.550, notify the Department central office by phone only. For the purposes of this Section, "notify the Department central office by phone only" means talk with a Department representative who confirms over the phone that

the requirement to notify the regional office by phone has been met. If the facility is unable to reach a representative during non-business hours, the facility shall notify the Department's toll free complaint registry hotline.

e) As soon as possible, but no later than 24 hours after the occurrence, the facility shall report any incident that is subject to the Criminal Code of 2012 to local law enforcement agencies.

f) The facility shall send a written narrative summary of each serious incident, accident or emergency care situation to the Department within seven days after the occurrence.

g) The facility shall maintain a log of incidents, accidents, or emergency care situations that are not considered to be serious because the consumer has not incurred physical or mental harm or injury requiring medical treatment, including all physical altercations involving a consumer and all threats of physical violence directed at a consumer or made by a consumer. The log shall be reviewed weekly by the facility's internal clinical quality assurance staff and shall be available to the Department upon request. The log shall include, at a minimum:

1) The name of the perpetrator;

2) The name of the victim, if any;

3) Any injury sustained by the victim;

4) A brief summary of the incident;

5) The number of prior incidents involving the perpetrator;

6) The number of prior incidents involving the victim;

7) Whether a physician (and whose physician) was called and any orders entered as a result; and

8) What the staff did to prevent recurrence of the incident.

h) The provisions under the Whistleblower Act shall apply to employees of facilities licensed under the Act.

Section 380.540 Abuse, Neglect and Theft

a) *A licensee, executive director, employee, or agent of a facility shall not abuse or neglect a consumer. It is the duty of any facility employee or agent who becomes aware of abuse or neglect* of a consumer *to report it* immediately to the executive director and to the Department, but no later than *within 24 hours* after becoming aware of it. *Facilities shall comply with Section 3-610 and 3-810 of the Nursing Home Care Act.* With respect to theft or misappropriation of a consumer's property, and to whistleblower protection, *the provisions under Section 3-610 and 3-810 of the Nursing Home Care Act shall apply to employees of facilities licensed under* the *Act.* (Section 3-107 of the Act)

b) An executive director who becomes aware of the abuse or neglect of a consumer or theft of a consumer's property shall immediately report the matter by telephone and in writing to the consumer's guardian, the consumer's substitute decision maker, if any, or any other individual designated in writing by the consumer, and to the Department, but no later than within 24 hours after becoming aware of the abuse, neglect or theft.

c) Consumers shall not be subjected to verbal or physical abuse of any kind. Corporal punishment of consumers is prohibited. The facility shall not permit consumers to discipline other consumers. The facility shall comply with this Section and with Section 380.550 in every instance of assault or battery by a consumer of another consumer or of an employee.

d) A facility employee or agent who becomes aware of another facility employee's or agent's theft or misappropriation of a consumer's property shall immediately report the matter to the executive director. An executive director who becomes aware of a facility employee's or agent's theft or misappropriation of a consumer's property shall immediately report the matter by telephone and in writing to the consumer's representative, the Department, and the local law enforcement agency.

e) Consumer allegations of abuse shall be reported to the Department within 24

hours after the allegation is made, and the facility shall comply with the reporting requirements of Section 380.550. A full investigation report shall be filed with the Department within seven days after the incident occurred.

f) Employee as Perpetrator of Abuse. When an investigation of a report of suspected abuse of a consumer indicates that an employee of the facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with any consumer in the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee.

g) Consumer as Perpetrator of Abuse. When an investigation of a report of suspected abuse of a consumer indicates that another consumer residing in the facility is the perpetrator of the abuse, the perpetrator's condition shall be immediately evaluated to determine the most suitable therapy and placement for that person, considering the safety of that person as well as the safety of other consumers and of employees of and visitors to the facility.

g) The provisions of the Whistleblower Act shall apply to employees of facilities licensed under the Act.

Section 380.550 Contacting Local Law Enforcement

a) For the purpose of this Section, the following definitions shall apply:

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

2) Sexual abuse − sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage or profit).

b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations:

1) Physical abuse involving physical injury inflicted on a consumer by a staff member or visitor;

2) Physical abuse involving serious physical injury inflicted on a consumer

by another consumer;

3) Sexual abuse of a consumer by a staff member, another consumer, or a visitor;

4) Misappropriation or financial exploitation of a consumer's property; or

5) When a crime has been committed in a facility by a person other than a consumer.

c) When a consumer death other than by natural causes has occurred, the facility shall call the coroner or medical examiner.

d) The facility shall develop and implement a written policy concerning local law enforcement notification, including:

1) Ensuring the safety of consumers in situations requiring local law enforcement notification;

2) Contacting local law enforcement in situations involving physical abuse of a consumer by another consumer or staff;

3) Contacting police, fire, ambulance and rescue services in accordance with recommended procedure;

4) Preservation of a potential crime scene; and

5) Facility investigation of the situation.

e) Facility staff shall be trained in implementing the policy developed pursuant to subsection (d). The training shall be documented.

f) The facility shall also comply with other reporting requirements of this Part.

Section 380.560 Care and Treatment of Sexual Assault Survivors

a) For the purposes of this Section, the following definitions shall apply:

1) Sexual assault − an act of nonconsensual sexual conduct or sexual

penetration, as defined in Section 11-01 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

2) Ambulance Provider − an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

b) The facility shall adhere to the following protocol for the care and treatment of consumers who are suspected of having been sexually assaulted in the facility or elsewhere:

1) Notify local law enforcement pursuant to the requirements of Section 380.550;

2) Call an ambulance provider if medical care is needed. The facility shall always request transport to a hospital if sexual penetration occurred or is suspected to have occurred and shall document whether a consumer refuses treatment;

3) Move the survivor, as quickly as reasonably possible, to a closed environment to ensure privacy while waiting for emergency or law enforcement personnel to arrive. The facility shall ensure the welfare and privacy of the survivor, including the use of incident code to avoid embarrassment; and

4) Offer to call a friend or family member and a sexual assault crisis advocate, when available, to accompany the survivor.

c) The facility shall take all reasonable steps to preserve evidence of the alleged sexual assault, including encouraging the survivor not to change clothes or bathe, if he or she has not done so since the sexual assault, and to not launder or dispose of the consumer's clothing or bed linens until local law enforcement can determine whether those items have evidentiary value.

d) The facility shall notify the Department and draft a descriptive summary of the alleged sexual assault pursuant to the requirements of Section 380.530.

e) As much as is reasonably possible, the facility shall ensure that the sexual assault

survivor receives all appropriate follow-up care pursuant to the Department's rules titled Sexual Assault Survivors Emergency Treatment Code.

Section 380.570 Fire Safety and Disaster Preparedness

a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of consumers, personnel and others present in the facility.

b) Each facility shall have policies covering disaster preparedness for staff, consumers, and others to follow. The policy shall include, but not be limited to, the following:

1) Proper instruction in, and training on, the use of fire extinguishers for all personnel employed on the premises;

2) A diagram of the evacuation route, which shall be posted and made familiar to all personnel employed on the premises;

3) A written plan for moving consumers to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning; and

4) An established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism shall be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, maintaining an operable National Oceanic and Atmospheric Administration weather radio in the facility, or arrangements with local public safety agencies (police, fire, emergency management agency) to be notified if a warning is issued.

c) The facility shall develop, implement, maintain and annually review a disaster preparedness plan requiring that:

1) Records and reports of fire and disaster training are maintained;

2) A record of actions taken to correct noted deficiencies in fire and disaster drills or inspections is maintained;

3) Employees know and practice how to react to fire, severe weather, disasters, missing persons, psychiatric and medical emergencies, and deaths;

4) Consumers receiving supports on site know how to react to fire or severe weather or are receiving training;

5) Employees and consumers are trained in the location of firefighting equipment, first aid kits, evacuation routes and procedures;

6) A land-line telephone is available with the listing of telephone numbers of the nearest poison control center, the police, the fire department and emergency medical personnel; and

7) The facility has a written plan for alternative arrangements if the facility becomes uninhabitable.

d) The facility shall implement procedures for evacuation ensuring that:

1) Evacuation drills are conducted at a frequency determined by the facility to be appropriate based on the needs and abilities of the consumers receiving supports at the site, but no less than annually on each shift if 24-hour supports are provided.

2) Special provision shall be made for those consumers who cannot evacuate the building without assistance.

3) All employees are trained to carry out their assigned evacuation tasks, and the training shall be documented.

4) Inefficiency or problems identified during an evacuation drill shall result in specific corrective action.

5) Evacuation drills shall include actual evacuation of consumers to safe areas.

6) A written evaluation of each drill shall be submitted to the executive director and shall be maintained for one year.

e) At least one approved fire extinguisher shall be available in each level of service within a facility, inspected annually and recharged when necessary. If the facility has multiple floors, one fire extinguisher shall be available on each floor.

f) At least one first aid kit shall be available and inspected and re-supplied regularly.

g) Disaster Reporting

1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the executive director or designee shall provide a preliminary report to the Department either by using the Department hotline or by directly contacting the appropriate Department central office during business hours. This preliminary report shall include, at a minimum:

A) The name and location of the facility;

B) The type of disaster;

C) The number of injuries or deaths to consumers;

D) The number of beds not usable due to the occurrence;

E) An estimate of the extent of damages to the facility;

F) The type of assistance needed, if any; and

G) A list of other State or local agencies notified about the problem.

2) If the disaster will not require direct Department assistance, the facility shall provide a preliminary report within 24 hours after the occurrence. The facility shall also submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (h)(1) and a statement of actions taken by the facility after the preliminary report.

h) Each facility shall establish and implement written policies and procedures to provide for the health, safety, welfare and comfort of all consumers when extreme temperatures are present within the facility for a prolonged period of time, including a written temporary transfer plan.

i) Coordination with Local Authorities

1) Each facility shall annually forward copies of all disaster policies and plans required under this Section to the local health authority and local emergency management agency having jurisdiction.

2) Each facility shall annually forward copies of its emergency water supply agreements, required under Section 380.670(e)(1)(C), to the local health authority and local emergency management agency having jurisdiction.

3) Each facility shall provide a description of its emergency source of electrical power, including the services connected to the source, to the local health authority and local emergency management agency having jurisdiction. The facility shall inform the local health authority and local emergency management agency at any time that the emergency source of power or services connected to the source are changed.

4) When requested by the local health authority and the local emergency management agency, the facility shall participate in emergency planning activities.

Section 380.580 Research

a) *No consumer shall be subjected to research or treatment without first obtaining his or her informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review board appointed by the executive director. No person who has received compensation in the prior 3 years from an entity that manufactures, distributes or sells pharmaceuticals, biologics, or medical devices may serve on the institutional review board*.

1) *The membership of the institutional review board shall* include, at a minimum:

A) Director of the Department of Public Health or designee;

B) Director of DHS-DMH or designee;

C) An academic faculty member of a college or university who is in a mental health field;

D) The DHS-DMH bureau chief of Evaluation and Services Research or designee;

E) Two additional persons with a background in ethics, policy development and research who may be from outside DHS-DMH or the Department; and

F) A representative from the Department's or DHS-DMH's legal services staff as a non-voting member.

2) *The operating procedures for the institutional review board shall be* jointly developed by the Department and by DHS-DMH and shall be made available to the public upon request. The operating procedures shall address:

A) The appointment protocol and tenure of the membership;

B) Conflict-of-interest policies;

C) The meeting schedule;

D) The application process, including university-initiated applications;

E) Informed consent requirements, which shall reference 45 CFR 46 (Protection of Human Subjects), Subparts B, C and D, and the Mental Health and Developmental Disabilities Confidentiality Act;

F) Requirements for progress reports; and

G) The review process and expedited review process.

3) *The review criteria for the institutional review board shall be* developed jointly by the Department and by DHS-DMH and shall include:

A) Voting procedures;

B) A categorization of risks inherent in the conduct of the research; and

C) A description of the categorical ratings that result from the review.

b) *No facility shall permit research or treatment to be conducted on a consumer, or give access to any person or person's records for a retrospective study without the prior written approval of the institutional review board. No executive director, or person licensed by the State to provide medical care or treatment to any person, may assist or participate in any experimental research on or treatment of a consumer, including a retrospective study that does not have the prior written approval of the board.* This *conduct shall be grounds for professional discipline by the Department of Financial and Professional Regulation*.

c) Following a formal review, *the institutional review board may exempt from ongoing review research or treatment initiated on a consumer before the individual's admission to a facility and for which the board determines there is adequate ongoing oversight by another institutional review board. Nothing in this Section* or the Act *shall prevent a facility, any facility employee, or any other person from assisting or participating in any experimental research on or treatment of a consumer, if the research or treatment began before the person's admission to a facility, until the board has reviewed the research or treatment and decided to grant or deny approval or to exempt the research or treatment from ongoing review*. (Section 3-116 of the Act)

SUBPART E: SUPPORT SERVICES AND ENVIRONMENT

Section 380.600 Required Support Services

a) For the purpose of this Section, "physician orders" includes instructions from medical doctors (MD), doctors of osteopathy (OD), dentists, podiatrists, advanced practice nurses (APN) in collaboration with an MD, and physician assistants (PA) under the supervision of a physician for that physician's patients.

b) *Facilities shall provide, at a minimum, the following services: physician, nursing, pharmaceutical, rehabilitative, and dietary services. To provide these services, the facility shall adhere to the following*:

1) *Each consumer shall be encouraged and assisted to achieve and maintain the highest level of self-care and independence. Every effort shall be made to keep consumers active and out of bed for reasonable periods of time, except where contraindicated by physician orders*.

2) *Every consumer shall participate in a person-centered planning process regarding his or her total care and treatment*, to the extent that his or her condition permits.

3) *All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after* the *orders have been issued to ensure facility compliance with* the *orders. Every woman consumer of child bearing age shall receive routine obstetrical and gynecological evaluations, as well as necessary prenatal care*, except in triage centers.

A) The frequency and administration of obstetrical, gynecological and pre-natal care shall be according to the guidelines set forth in the Guidelines for Women's Health Care, published by the American College of Obstetricians and Gynecologists. The date of the consumer's last obstetrical, gynecological or prenatal appointments shall be identified as part of the treatment assessment, and pregnancy screening may be required before medications are prescribed and administered.

B) If obstetrical and gynecological evaluations are performed in a facility, the facility shall ensure that the examination room is adequately equipped for these examinations.

C) If obstetrical and gynecological evaluations are not performed in a facility, the facility shall arrange with a local OB/GYN practice or clinic to have the evaluations performed at that location.

c) *Each consumer shall be provided with good nutrition and with necessary fluids*

for hydration in accordance with the Food and Nutrition Board of the National Research Council of the National Academy of Science's standard.

d) *Each consumer shall be provided visual privacy during treatment and personal care*.

e) *Every consumer or consumer's guardian shall be permitted to inspect and copy all* of *his or her clinical and other records concerning his or her care kept by the facility or by his or her physician. The facility may charge a reasonable fee for duplication of a record.* (Section 3-104 of the Act)

f) A facility with a pharmacy on premises shall comply with the Controlled Substances Act. Facilities without pharmacies shall ensure that pharmacies they make arrangements, or contract, with comply with the Controlled Substances Act.

Section 380.610 Physician Medical Services

a) The licensee shall ensure sufficient physician services to meet the needs of all consumers being served by the facility. Physician services shall be provided by medical doctors who are under contract with the facility or have been chosen by the consumer or by the consumer's substitute decision maker to direct the consumer's medical care.

b) Physician services shall include, but are not limited to:

1) The initial health evaluation, including a written report of a physical examination, and history, obtained within 72 hours after admission, unless a health evaluation has been completed within 30 days prior to admission and is in the consumer's record;

2) An evaluation of the consumer and, upon change of physicians, a review of the order for care and treatment;

3) Written and signed orders for diet, diagnostic tests, consultation and medical treatment of the consumer; and

4) Health care progress notes and other appropriate entries in the consumer record.

c) Orders for therapeutic separation shall comply with the requirements of Section 380.160.

d) Orders for emergency treatment for the safety of the consumer without informed consent shall meet the requirements of Section 380.150 and the Mental Health and Developmental Disabilities Code.

e) Non-physician practitioners may render those medical services that they are legally authorized to perform.

f) The executive director shall verify a physician's credentials by contacting a hospital through which the doctor has practicing rights and by checking applicable databases, including, but not limited to, the Illinois Department of Financial and Professional Regulation License Lookup and the National Practitioner Data Bank.

Section 380.620 Health/Nursing Services

a) The licensee shall ensure sufficient nursing services to meet the needs of all consumers being served by the facility. Licensed nursing staff shall perform nursing services within the scope of their licenses, and the nursing services shall be consistent with the care requirements for each respective level of service, including time frames, as described in Subpart B. Services shall include, but not be limited to, the following:

1) Nursing participation in the formulation of an interdisciplinary treatment plan, which shall include identification of nursing care needs based upon an initial written nursing evaluation of the consumer's needs with input, as necessary, from health professionals involved in the care of the consumer. The initial nursing care needs, including the physical evaluation required in Section 380.610(b)(1), shall commence at the time of admission of the consumer and be completed within seven days after admission;

2) The implementation of each consumer's treatment plan according to the methods indicated, with ongoing monitoring and documentation of the effectiveness of the plan, and participation in consumer treatment plan conferences for review and modification of each consumer's treatment plans;

3) Ensuring that the dietary department receives dietary orders that are prescribed by physicians or dieticians;

4) Obtaining and documenting physician orders for medical care, appointments and laboratory workups and tests, administration of medications, including pro re nata (PRN) and immediately authorized or emergency (STAT) medications;

5) Implementation and evaluation of quality improvement policies and procedures;

6) The writing, review and signoff of progress notes and notes regarding any change in a consumer's condition; and

7) Notifying the physician promptly of:

A) The admission of a consumer;

B) Any sudden, marked or adverse change in signs, symptoms or behavior exhibited by a consumer;

C) An unusual incident involving a consumer, as specified in Section 380.530;

D) Any adverse response or reaction by a consumer to a medication or treatment;

E) Any error in the administration of a medication or treatment to a consumer that is life threatening or that presents a risk to a consumer; and

F) The facility's inability to obtain or administer, on a prompt and timely basis, drugs, equipment, supplies or services as prescribed.

b) All attempts to notify physicians shall be noted in the consumer's record, including the time and method of communication and the name of the person acknowledging contact, if any. If the physician is not readily available, emergency medical care shall be arranged immediately.

c) *If a facility orders transportation of a consumer of the facility by ambulance, then the facility must maintain a written record that shows the name of the person who placed the order for that transportation and the medical reason for that transportation.* (Section 3-212 of the Act)

d) Under the supervision of licensed nursing staff, an RSA shall monitor the following:

1) Assisting consumers with dressing, grooming, bathing and personal hygiene related activities, as needed; and

2) Measuring and recording a consumer's height, weight and vital signs, including temperature, blood pressure and pulse, on admission. At a minimum, vital signs and weight shall be taken weekly for four weeks and then monthly. Weights and vital signs shall be charted in a format that allows for trending and patterning over time. Any clinically significant worsening shall be reported to the physician to assess the need for increased monitoring.

Section 380.630 Pharmaceutical Services and Medication Administration

a) All consumers shall be assessed for drug allergies, and drug histories shall be documented and reported to the pharmacy and physician. Pharmacies shall immediately notify the physician and the facility of any potential drug interactions prior to dispensing the medication.

b) *Pharmaceutical Treatment*

1) *A consumer shall not be given unnecessary drugs. An unnecessary drug is any drug used in an excessive dose, including in duplicative therapy; for excessive duration; without adequate monitoring; without adequate indication for its use; or in the presence of adverse consequences that indicate the drug should be reduced or discontinued.*

2) *No drug shall be administered except upon the order of a person lawfully authorized to prescribe for and treat mental illness.*

3) *All drug orders shall be written, dated, and signed by the person authorized to give* the *order. The name, quantity, or specific duration of*

therapy, dosage, and time or frequency of administration of the drug and the route of administration if other than oral shall be specific.

4) *Verbal orders for drugs and treatment shall be received only by those authorized under Illinois law to do so from their supervising physician. Orders shall be recorded immediately in the consumer's record by the person receiving the order and shall include the date and time of the order*. (Section 3-106 of the Act)

5) A facility with a pharmacy on the premises shall comply with the Controlled Substances Act. Facilities without pharmacies shall ensure that pharmacies with which they make arrangements, or contract, comply with the Controlled Substances Act.

c) Medication Policies

1) Every facility shall adopt written policies and procedures for properly and promptly obtaining, dispensing, administering, returning and disposing of drugs and medications. These policies and procedures shall be consistent with the Act and this Part and shall comply with all federal and State laws and administrative rules relating to the procurement, storage, dispensing, administration and disposal of medications.

2) The medication policies and procedures shall be developed with the advice of a licensed pharmacist, the medical director and the director of health services.

3) The facility shall ensure that pharmaceutical services are arranged and their administration is supervised in accordance with the Medical Practice Act of 1987 and the Nurse Practice Act. The facility shall ensure that:

A) A physician is responsible for the medical services provided to individuals and the management of consumers' medications;

B) A licensed prescriber prescribes and monitors all prescription medications;

C) A psychiatrist performs an examination of the consumer prior to the initiation of psychotropic medications;

D) Screening for and documentation of abnormal involuntary movements, including tardive dyskinesia in individuals receiving prescribed psychotropic medications, is completed at least every six months by employees trained in performing this type of assessment;

E) A psychiatrist reviews all medications prescribed and shall be available for consultation on the prescribed medications. Psychiatrist documentation within the individual's record shall include, but is not limited to, the rationale for continuing current medications and/or initiating new medications, and medication side effects. When clinically indicated, a psychiatrist and facility shall arrange for consultation with the appropriate medical specialist.

i) A psychiatrist, a psychiatric nurse practitioner, or an advanced practice nurse review medications and perform case management on consumers as needed in triage centers.

ii) A psychiatrist review medications and see individuals three times weekly in crisis stabilization units. In addition, a psychiatrist shall be immediately available by phone 24 hours per day and respond on site within 24 hours.

iii) A psychiatrist review medications and see individuals at least monthly in transitional living units and in RRS units;

F) In recovery and rehabilitation supports and transitional living, a psychiatrist or registered professional nurse evaluates the ability of each consumer to self-administer medications within the first three months after admission, and then at least annually, after a consumer completes a self-medication training program, prior to the consumer moving to community-based services or prior to transition to community living;

G) A clinical pharmacist reviews each consumer's chart to evaluate for unnecessary medications in accordance with the Drug Burden Index, and for potential adverse drug events based upon the total pharmacotherapy regimen and pre-existing medical conditions;

H) A psychiatrist provides the written order for a consumer to self-administer medications or participate in a self-administration of medication training program based on the results of the consumer's evaluation. The order shall become part of the individual's record;

I) Consumers in transitional living units and recovery and rehabilitation supports units who are able to independently self-administer medications have access to their medications.

i) The facility has a written policy on determining the level of independence, and documentation of the level of independence will be placed in the consumer's treatment plan.

ii) Level I independence means that the consumer shall have a secured medicine storage cabinet in his or her bedroom for which he or she has the key or the combination to the lock.

iii) Level II independence means that the consumer shall be responsible for independently requesting his or her medication from a central medication area, which shall be staffed by a licensed medical professional, at the appropriate times;

J) When facilities supervise the self-administration of medication training programs, or administer the medications, medications are secured from unauthorized access, and only a psychiatrist, pharmacist, or registered or licensed practical nurse shall supervise the self-administration of a medication training program or administer medications and have access to medications. A psychiatrist, pharmacist or licensed nurse shall be available at all times for consultation and supervision of the self-administration of medications training program;

K) A physician or pharmacist is available to consult with the QMHP or MHP in reference to staff's behavioral or other observations relating to the individual's level, dosage and types of side effects from any prescribed medications;

L) A physician or pharmacist makes available to consumers information on expected consequences and the potential benefits and possible side effects of any prescribed medication. If requested, this information will also be made available to employees and families; and

M) All Schedule II controlled substances are stored so that two separate locks, using two different keys, shall be unlocked to obtain these substances.

d) Emergency Medication Kits

1) A facility shall not maintain a stock supply of controlled drugs, except for those in the emergency medication kits, as described in this subsection (d).

2) A facility may stock drugs that are regularly available without prescription. These shall be administered to a consumer only upon the order of a licensed prescriber. Administration shall be from the original containers and shall be recorded in the consumer's clinical record.

3) A facility may keep emergency medication kits containing medications to be used for initial doses.

4) Each emergency medication kit shall be the property, of and under the control of the pharmacy that supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. Schedule II controlled substances shall not be kept in emergency medication kits.

5) The contents and number of emergency medication kits shall be approved by the facility's pharmacist, medical director and director of health services, and shall be available for immediate use at all times in locations determined by them.

A) Each emergency medication kit shall be sealed after it has been checked and refilled.

B) Emergency medication kits shall also contain all of the equipment needed to administer the medications.

C) The contents of emergency medication kits shall be labeled on the outside of each kit. The label shall include expiration dates of any medications contained in the kit. The kits shall be checked and refilled by the pharmacy after use and as otherwise needed. The pharmaceutical advisory committee shall review the list of substances kept in emergency medication kits at least quarterly. The facility shall maintain written documentation of this review.

D) The contents and number of emergency medication kits shall be determined by the pharmacist, medical director and the director of health services. The contents should include, at a minimum, but not be limited to, behavioral medications and medications to specifically address anaphylactic and dystonic reactions. The contents shall be listed on the outside of each box.

6) The facility shall comply with the following requirements when controlled substances are kept as part of the emergency medication kits:

A) If an emergency medication kit is not stored in a locked room or cabinet, or if the kit contains controlled substances that require refrigeration, the controlled substances portion of the kit shall be stored separately in a locked cabinet or room (or locked refrigerator or locked container within a refrigerator, as appropriate) and labeled with a list of the substances and a statement that they are part of the emergency medication kit. The label of the emergency medication kit shall list the substances and the specific location where they are stored.

B) Controlled substances for emergency medication kits shall be obtained from a federal Drug Enforcement Administration registered hospital, pharmacy or licensed prescriber.

C) Only the director of health services, a registered nurse on duty, a licensed practical nurse on duty, a consultant pharmacist, or a licensed prescriber shall have access to controlled substances stored in emergency medication kits.

D) No more than 10 different controlled substances shall be kept as

part of an emergency medication kit, and there shall be no more than three single doses of any one controlled substance.

E) Controlled substances in emergency medication kits shall be administered only by persons licensed to administer medications, in compliance with 21 CFR 1306.11 and 1306.21, and the Illinois Controlled Substances Act.

F) A proof-of-use sheet shall be stored with each controlled substance. The nursing staff or licensed prescriber shall enter the date and time that a drug was administered to a consumer, the dose, the name of the consumer, and the name of the prescriber on the proof-of-use sheet when any controlled substance from the kit is used. The completed proof-of-use sheets shall be filed with the consultant pharmacist and shall be retained for two years.

G) The consultant pharmacist shall be notified within 24 hours after the controlled substance portion of an emergency medication kit is opened. During any period when the kit is opened, a shift count shall be done on all controlled substances until the kit is re-locked or the controlled substance is replaced. Shift counts are not mandatory when the kit is sealed. Forms for shift counts shall be kept with the controlled substances portion of the emergency medication kit.

H) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and document the check on the outside of each kit.

Section 380.640 Infection Control and Vaccinations

a) The facility shall adopt, observe and implement written infection control policies and procedures. These policies and procedures shall be reviewed at least annually and revised as needed.

b) All cases of reportable communicable diseases shall be reported to the Department and to the local health department in accordance with the Control of Communicable Diseases Code and the Control of Sexually Transmissible Infections Code.

c) All employees and consumers shall be screened for tuberculosis in accordance with the Control of Tuberculosis Code.

d) When consumers having a communicable disease, or presenting signs and symptoms that suggest that diagnosis, are admitted, precautionary measures shall be taken to avoid cross-infection to personnel, other consumers or the public.

e) Consumers presenting with a communicable disease shall be treated in accordance with the Control of Communicable Diseases Code and Control of Sexually Transmissible Infections Code. When isolation is required, the facility shall implement precautions (i.e., contact isolation) or provide temporary transfer to a licensed entity that is capable of providing enhanced isolation techniques.

f) The facility shall be responsible for developing, implementing, monitoring and enforcing a hand hygiene program. For the purposes of this Section, "hand hygiene" is a general term that applies to hand washing with plain soap and water; antiseptic hand wash using soap containing antiseptic agents and water; and antiseptic hand rub using a waterless antiseptic product, most often alcohol based, rubbed on the surface of the hands.

g) *A facility shall annually administer and arrange for administration of a vaccination against influenza to each consumer* in a recovery and rehabilitation supports unit who has been admitted for a least a year, *in accordance with the* Prevention and Control of Influenza with Vaccines: *Recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention that are most recent to the time of vaccination, unless the vaccination is medically contraindicated or the consumer refuses the vaccine.* (Section 3-211(a) of the Act)

h) *All persons seeking admission to a facility shall be verbally screened for risk factors associated with hepatitis B, hepatitis C, and the Human Immunodeficiency Virus (HIV) according to the guidelines established by the U.S. Centers for Disease Control and Prevention*, the Sexually Transmitted Diseases Treatment Guidelines. *Persons who are identified as being at high risk for hepatitis B, hepatitis C, or HIV shall be offered an opportunity to undergo laboratory testing in order to determine infection status if they will be admitted to the facility for at least 7 days and are not known to be infected with any of the listed viruses. All HIV testing shall be conducted in compliance with the AIDS Confidentiality Act.*

All persons determined to be susceptible to the hepatitis B virus shall be offered immunization within 10 days after admission to any level of service except triage. *A facility shall document in the consumer's medical record that he or she was verbally screened for risk factors associated with hepatitis B, hepatitis C, and HIV, and whether or not the consumer was immunized against hepatitis B.* (Section 3-211(b) of the Act)

Section 380.650 Dietetic Services

a) The facility shall arrange for each consumer to have available at least three meals per day. Meals shall be brought in and served separately in the triage center and crisis stabilization unit. Not more than 14 hours shall elapse between the last and first meal.

b) Consumer food preferences, including religious practices, shall be adhered to as much as possible and shall be from appropriate food groups.

c) Between-meal options shall be provided as requested or required by a diet order.

d) The dietetic services programs shall be creatively focused on encouraging or maintaining as much consumer responsibility, participation and independence as possible in choice, preparation, purchasing and cleanup with regard to food service. This may involve formal training programs, collaborative food preparation and cleanup, family-style meal preparation with involvement of consumers, or cafeteria or buffet-style service. Consumers with a communicable disease shall be evaluated by a registered nurse or physician prior to being allowed to assist in food preparation.

e) With the exception of the triage centers and crisis stabilization units, the consumer's discharge and transition plan shall address his or her menu planning and food preparation level of knowledge and responsibility.

f) Within the context of consumer food preparation training and choice, the total daily diet for consumers shall be of the quality and in the quantity to meet the nutritional needs of the consumers and be guided by the Food and Nutrition Board of the National Research Council of the National Academy of Science's standard, Recommended Dietary Allowances, adjusted to the age, activity and environment

of the group involved. All food shall be of good quality and be selected, stored, prepared and served in a safe and healthful manner.

g) In planning menus for the facility population, which includes consumers at risk for certain chronic health conditions (e.g., diabetes and hypertension), the food and beverage options provided in prepared meals, snacks and vending machines shall include healthy choices to address these risks and conditions. The facility shall obtain consumer feedback on the desirability of the available healthy options at least twice per year and incorporate the results in planning menu and vending options.

h) A dietetic service supervisor shall manage and operate the food service in each facility. If the dietetic service supervisor is not a dietitian, the dietetic service supervisor shall have frequent and regularly scheduled consultation from a dietitian.

i) Sufficient staff shall be employed, oriented and trained, and their working hours scheduled, to provide for the nutritional needs of the consumers and to maintain the dietetic service areas. The facility shall consider having facility consumers receive food service training and employment in the facility dietary services.

j) Under supervision, only consumers who have been screened for communicable diseases pursuant to subsection (d) may assist in cooking and kitchen activities as part of their skills training program.

k) Dietetic service personnel, including consumers regularly participating in food service, shall be trained in basic food sanitation techniques, shall wear clean clothing, a cap or a hair net, and gloves, and shall be excluded from duty when affected by skin infection or communicable diseases.

Section 380.660 Dental Services

a) The facility shall have a dental program for stays over 21 days, which will provide for in-service education to consumers in collaboration with dental

personnel, including, at a minimum, the following:

1) Information regarding nutrition and diet control measures that are dental health oriented;

2) Instruction on proper oral hygiene methods;

3) Instruction concerning the importance of maintaining oral hygiene; and

4) Providing dental supplies, including floss, toothpaste, and brushes.

b) The facility shall arrange, from an outside resource, the following dental services to meet the needs of each consumer:

1) Routine dental services, to the extent covered under the State plan or other resources;

2) Emergency dental services;

3) Assisting the consumer in making appointments and arranging transportation to and from the dentist's office; and

4) Prompt referral to a dentist of a consumer with loose or damaged dentures, to the extent covered under the State plan of other resources.

Section 380.670 Physical Plant and Environmental Requirements

a) Consumer living areas shall be planned and arranged with an awareness of the prevalence of trauma in people with mental health and substance abuse issues. Evidence-based practices of trauma-informed care shall be adhered to in residential settings.

b) Private meeting space shall be available in each facility for consumers to meet with outside service providers, assessors, family or other persons for other professional purposes in accordance with the consumer's treatment plan.

c) Physical Plant Requirements. The facility shall comply with locally adopted building codes as enforced by local authorities and Chapter 33 of NFPA 101 (see Section 380.110 (a)(1)) and any local fire codes that are more stringent than the

NFPA as enforced by local authorities or the Office of the State Fire Marshal. New construction shall comply with Chapter 32 of NFPA 101 (see Section 380.110(a)(1)). The facility shall make available to the Department, upon request, the report of an inspection that has been made by the local authorities or the Office of the State Fire Marshal. The facility shall comply with the following additional NFPA standards:

1) No. 10: Standard for Portable Fire Extinguishers

2) No. 13: Standard for the Installation of Sprinkler Systems

3) No. 25: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems

4) No. 54: National Fuel Gas Code

5) No. 70: National Electrical Code

6) No. 72: National Fire Alarm and Signaling Code

7) No. 80: Standard for Fire Doors and Other Opening Protectives

8) No. 90A: Standard for Installation of Air Conditioning and Ventilating Systems

9) No. 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations

10) No. 99: Health Care Facilities Code

11) No. 110: Standard for Emergency and Standby Power Systems

12) No. 220: Standard on Types of Building Construction

13) No. 241: Standard for Safeguarding Construction, Alteration and Demolition

d) Living arrangements shall meet the following additional requirements:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULE

1) A triage center shall provide a secure room within the facility, near the facility entrance, for the assessment of incoming consumers. The triage center shall provide the following:

A) A staff member, available as needed at the entrance of the triage center;

B) A centrally located nurse duty area that gives staff a direct line of site to the consumer, permitting constant observation;

C) A window to the outside that is secured from opening and contains glazing so that, when broken, it will not produce shards of glass that can inflict injury to the consumer or to staff;

D) Features such as electrical outlets, sprinkler heads, doorknobs, light switches, etc., which shall be of a type that prevent a consumer from injuring himself or herself, accidentally or deliberately;

E) Adequate space and furnishings to permit staff to assess and diagnose consumers who present for triage;

F) Separate restroom facilities for men and women, complete with baths or showers and hygiene supplies, including soap, shampoo and deodorant for consumers;

G) A maximum of eight individual areas for interviews and assessment. The physical arrangement of the rooms shall preserve the safety and privacy of each consumer served;

H) Laundry services for consumer use, including laundry detergent;

I) Clean replacement clothing for both male and female consumers, if needed by the consumer;

J) Kitchen equipment to provide hot meals and snacks for consumers; and

K) A toilet room that is accessible from within the triage center. The

toilet room shall be equipped with a water closet and lavatory. The door to the toilet room shall be lockable from the outside only.

2) A crisis stabilization unit shall be a separate unit within the facility, if the facility provides more than one level of service. In addition, a crisis stabilization unit shall provide the following:

A) Meeting and therapy rooms that comply with the level of service. The rooms shall be of adequate size and number to accommodate the maximum consumer population of the unit and shall be furnished for the purpose intended;

B) A maximum of 16 beds;

C) Visual monitoring of consumers for safety reasons, when indicated in the consumer's treatment plan;

D) As much privacy for each consumer as is clinically appropriate.

E) Hallways and common areas that are visible from the nurse duty area. If electronic monitoring devices are used, the video recording must be kept for seven days; and

F) Features including, but not limited to, electrical outlets, sprinkler heads, doorknobs, and light switches that prevent a consumer from injuring himself or herself accidentally or deliberately.

3) RRS units shall provide the following:

A) Meeting and therapy rooms in accordance with the level of service. The rooms shall be of adequate size and number to accommodate the maximum consumer population, and shall be furnished for the purpose intended;

B) Bedroom doors that are visible from the nurse duty area;

C) Adequate common space for programming; and

D) Sufficient private space for consumers to meet with assessors,

transition staff, and visitors.

4) RSS unit maybe designated as all-male or all-female, for consumers who prefer segregated living arrangements, or for treatment purposes.

5) Transitional Living Units shall provide the following:

A) Meeting and therapy rooms according to the level of service. The rooms shall be of adequate size and number to accommodate the maximum consumer population and shall be furnished for the purpose intended;

B) Bedroom doors that are visible from the nurse duty area; and

C) A distinct unit within a facility.

6) Nurse Duty Area

A) The nurse duty area shall be either a centralized cluster serving more than one level of service in a facility or shall be used as a supportive area within a self-contained level of service.

B) The nurse duty area shall have adequate work counters, storage areas and communication equipment.

C) A hand-washing station convenient to the nurse duty area shall be provided.

D) A lounge and toilet rooms for staff shall be provided.

E) Closets or compartments shall be provided for the safekeeping of coats and personal effects of nursing personnel.

F) Charting facilities shall be provided for nurses and doctors, including work counter and secured file storage.

G) At least one tub or shower shall be provided for each 15 beds that do not have bathing facilities within the consumer's room. Each tub or shower shall be in an individual room that provides space

for the private use of the bathing fixture and for drying and dressing.

H) A nourishment station with a sink equipped for hand washing, refrigerator, storage cabinets, ice dispensing equipment, and other equipment/supplies as necessary for serving nourishment between meals shall be provided.

I) A clean utility/work room shall be provided in each nursing area. The clean utility/work room shall contain a work counter, hand-washing sink and storage. A separate designated area shall be provided for clean linen storage. If a cart system is used, an alcove for storage of the cart may be used.

J) A soiled utility/workroom shall be provided and shall contain a hand-washing sink and a waste receptacle.

K) A locked janitor's closet shall be provided for each nurse duty area. The closet shall be for the exclusive use of housekeeping staff and shall be equipped with a floor receptor or service sink and adequate storage space for housekeeping equipment and supplies.

L) Mops and other cleaning supplies used and stored in the nurse areas shall not be used or stored in the kitchen area.

7) The facility shall have a smoke detection system that complies with the Smoke Detector Act.

8) Bathrooms shall be located and equipped to facilitate independence. When needed by the consumer, special assistive devices shall be provided. Bathing and toilet facilities shall provide privacy.

9) Each single individual bedroom shall have at least 75 square feet of net floor area, not including space for closets, bathrooms and clearly definable entryway areas.

A) Each multiple bedroom shall have at least 55 square feet of net floor area per consumer, not including space for closets, bathrooms and clearly definable entryway areas. A minimum of 3 feet of

clearance at the foot and sides of each bed shall be provided.

B) Each bedroom within crisis stabilization units, recovery and rehabilitation supports units, and transitional living units shall accommodate no more than two consumers, with 5% of the rooms in the first 18 months, and 10% of the rooms in the first three years, reserved for single occupancy.

C) Reasonable storage space for clothing and other personal belongings shall be provided for each consumer.

D) Each bedroom shall have walls that extend from floor to ceiling, a fire-graded bed that is suitable to the size of the consumer and that provides support and comfort, if beds are provided by the agency, and at least one outside window. The total window area to the outside shall be at least one-tenth of the floor area of the room.

E) Each toilet room shall be equipped with a water closet, a lavatory and a shower or shower/tub combination.

10) The facility shall ensure that living arrangements are free from vermin. Waste and garbage shall be stored, transferred and disposed of in a manner that does not permit the transmission of diseases. Water systems shall comply with the Drinking Water Systems Code, and the facility shall maintain copies of inspections performed by local and State inspectors in regard to health, sanitation and environment.

e) Plumbing, drainage facilities, and drinking water shall be maintained in compliance with the Illinois Plumbing Code.

1) Each facility shall be served by water from a municipal public water supply when available.

A) When a municipal public water supply is not available, the water supply shall comply with the Drinking Water Systems Code.

B) If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Water Well Construction Code and Illinois Water Well Pump

Installation Code.

C) Each facility shall have a written agreement with a water company, dairy or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

2) Hot water temperature controls shall be maintained and regulated to prevent scalding, so that the temperature of hot water delivered to the plumbing fixtures that are used by consumers not exceed 115 degrees Farenheit.

3) Minimum hot water temperature shall be maintained at the final rinse section of dishwashing facilities as required by the Food Service Sanitation Code.

4) Suicide-resistant grab bars (for crisis stabilization and triage centers) and other bathroom fixtures shall be maintained at each community toilet, lavatory, shower and bathtub used by consumers and as needed in individual consumer rooms.

5) Toilet, hand-washing and bathing facilities shall be maintained in operating condition and in the number and types specified in construction requirements in effect at the time the building or unit was constructed.

6) If the facility accepts physically handicapped consumers, bathing and toileting appliances in the water closets shall be equipped for use by consumers with physical handicaps. All handicapped accessible facilities shall meet the minimum requirements of the Illinois Accessibility Code and the Americans With Disabilities Act.

f) All rooms, attics, basements, passageways and other spaces shall be provided with artificial illumination in accordance with the National Electrical Code.

1) All consumer rooms and accessible areas of corridors, storerooms, stairways, ramps, exits and entrances shall have lighting for ease of reading, working and passage.

2) The facility shall provide and maintain an emergency electrical system in safe operating condition.

g) Heating, air conditioning and ventilating systems shall be maintained in normal operating condition to provide a comfortable temperature and shall meet the requirements of the American Society of Heating, Refrigerating, and Air Conditioning Engineers Handbook of Fundamental Principles and Handbook of Applications.

1) The mechanical system shall be capable of maintaining a temperature of at least 75 degrees Fahrenheit.

2) The air-conditioning system shall be capable of maintaining an ambient air temperature of between 75 degrees Fahrenheit and 80 degrees Fahrenheit.

h) The facility shall develop a written record of the maintenance history of the heating, air conditioning and ventilation systems, which shall be available for inspection by the Department.

1) A log shall be used to document all maintenance work performed.

2) When maintenance is performed by an equipment service company, the facility shall request a certification that the required work has been performed in accordance with acceptable standards. The certification shall be retained on file in the facility for review by the Department.

i) The facility shall have housekeeping procedures to routinely clean articles and surfaces such as furniture, floors, walls, ceilings, supply and exhaust grills and lighting fixtures.

j) Schedules shall be posted and implemented that indicate areas of the facility that shall be cleaned daily, weekly or monthly.

1) Cleaning supplies and equipment shall be available to housekeeping staff and shall meet the following requirements:

A) Cleaning supplies and equipment shall be stored in rooms for housekeeping use only;

B) Appropriate cleaning agents shall be used for all cleaning;

C) Mop heads shall be removable and changed at least daily; and

D) Cleaning supplies and equipment shall be kept in a secured location/area that is accessed by authorized personnel only.

2) Housekeeping personnel shall be employed to maintain the interior of the facility in a safe, clean, orderly and attractive manner free from offensive odors.

3) Janitor closets, service sinks and storage areas shall be clean and maintained to meet the needs of the facility.

k) If the facility operates a laundry that is separate from consumer-operated washers and dryers for clothes, the facility laundry area shall be located in relationship to other areas so that steam, odors, lint and objectionable noises do not reach consumer areas.

1) The facility laundry area shall be adequate in size, well lighted, ventilated to meet the needs of the facility, and kept clean and sanitary.

2) Laundry equipment shall be kept in good condition, be maintained in a sanitary condition, and have suitable capacity.

3) Laundry areas shall have, at a minimum, the following:

A) Separate rooms for the storage of clean linen and soiled linen;

B) Hand-washing facilities maintained at locations convenient for laundry personnel; and

C) Linen carts labeled "soiled" or "clean" and constructed of washable materials that shall be laundered or suitably cleaned as needed to maintain sanitation.

4) The facility shall implement written procedures for handling, storing, transporting and processing linens. The written procedures shall be posted in the laundry.

5) If the facility does not maintain a laundry service, the facility shall

contract only with a commercial laundry that meets the requirements of this Section.

l) The facility, including the grounds, shall be maintained in a clean and sanitary condition and in good condition at all times to ensure the safety and well-being of consumers, staff and visitors.

1) Buildings and grounds shall be free of environmental pollutants and nuisances that may adversely affect the health or welfare of consumers to the extent that is within the reasonable control of the facility.

2) All buildings, fixtures, equipment and spaces shall be maintained in operable condition.

3) Personnel shall be employed to provide preventive maintenance and to carry out the required maintenance program.

4) Equipment shall meet all applicable Occupational Safety and Health Act requirements in effect at the time of purchase. All portable electrical medical equipment designed for 110-120 volts, 60 hertz current, shall be equipped with a 3-wire-grounded power cord with a hospital-grade 3-prong plug. The cord shall be an integral part of the plug.

5) The facility shall be maintained free from vermin and rodents through operation of a pest control program. The pest control program shall be conducted in the main consumer buildings, all outbuildings on the property and all grounds.

m) The facility shall be responsible for the regular inspection, cleaning or replacement of all filters installed in heating, air conditioning and ventilating systems, as necessary to maintain the systems in normal operating conditions.

1) A written record of inspection, cleaning or replacement shall be maintained and available for inspection by the Department.

2) When filter maintenance is performed by an equipment service company, the facility shall request a certification that the filter has been inspected, cleaned or replaced, with dates noted.

n) Emergency Electrical Requirements

1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

2) The source of this emergency electrical service shall be one of the following:

A) A Type 3 Essential Electrical System, in accordance with NFPA 99, when the normal service is supplied by only one central station transmission line; or

B) Automatic battery-operated systems or equipment that will be effective for 90 minutes and will be capable of supplying power for lighting for exit signs, exit corridors, stairways, nurses' areas, the communication system, and all alarm systems.

3) The facility shall provide emergency electrical service for:

A) Illumination of a means of egress as necessary for corridors, passageways, stairways, landings and exit doors and all ways of approach to and through exits, including outside lights;

B) Exit signs and exit directional signs;

C) Fire alarm systems and detection systems;

D) Communication systems that are used for issuing instructions; and

E) Task illumination in the nurse duty area.

o) Kitchen

1) Floor material in kitchens shall be easily cleanable and shall have wear resistance that is appropriate for the location involved, and shall be water resistant and greaseproof. The kitchen wall base shall be tightly sealed to the wall and floor and shall be constructed without voids or gaps that can accumulate dirt and grime and harbor vermin. Ceiling finishes shall be

smooth, sanitary and washable, and shall be able to withstand treatment with harsh chemicals. The ceiling finish shall be capable of being thoroughly cleaned, including any concealed spaces that may be present.

2) Mops and all other cleaning supplies that are used in the kitchen shall not be used or stored anywhere else in the facility. A janitor's closet, equipped with a floor receptor or service sink and adequate storage space for housekeeping equipment and supplies, shall be provided for the kitchen.

3) Equipment and furnishing installations must meet all the requirements of the following:

A) NFPA 56 National Fuel Gas Code;

B) NFPA 70 National Electrical Code; and

C) NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

SUBPART F: LICENSURE REQUIREMENTS

Section 380.700 Licensure Application Requirements

a) The *Act provides for licensure of long term care facilities that are federally designated as institutions for mental disease on* July 22, 2013 *and specialize in providing services to individuals with a serious mental illness*.

b) *All consent decrees that apply to facilities federally designated as institutions for mental disease shall continue to apply to facilities licensed under* the *Act* and this Part. (Section 1-101.5 of the Act)

c) *No person may establish, operate, maintain, offer, or advertise a facility within this State unless and until he or she obtains a valid license, which license remains unsuspended, unrevoked, and unexpired. No public official or employee may place any person in, or recommend that any person be in, or directly or indirectly cause any person to be placed in any facility that is being operated without a valid license*. (Section 4-102 of the Act)

1) A facility whose license has been successfully revoked is disqualified from obtaining a provisional license under the Act and this Part.

2) A facility with a pending Notice of Revocation and Opportunity for Hearing is disqualified from obtaining a provisional license until the Notice of Revocation is resolved, including, but not limited to, a voluntary withdrawal of the Notice of Revocation by the Department or a successful appeal of the Notice of Revocation by the facility.

d) *All licenses and licensing procedures established under Article III of the Nursing Home Care Act, except those contained in Section 3-202* of the Nursing Home Care Act, *shall be deemed valid under* the *Act* and this Part *until the Department establishes licensure. The Department is granted the authority under* the *Act* and this Part *to establish provisional licensure and licensing procedures under* the *Act* and this Part. (Section 4-102 of the Act)

1) All facilities that are federally designated as institutions for mental disease, and that were previously certified under Subpart T of 77 Ill. Adm. Code 300, shall apply for provisional licensure under the Act and this Part.

2) All facilities that are federally designated as institutions for mental disease that are currently certified under Subpart S of 77 Ill. Adm. Code 300 shall apply for provisional licensure under the Act and this Part.

e) *The Department shall be the sole agency responsible for licensure*. Licensure shall be *in accordance with* the *Act for the purpose of*:

1) *Protecting the health, welfare, and safety of consumers; and*

2) *Ensuring the accountability for reimbursed care provided in facilities*. (Section 4-101 of the Act)

f) Provisions of this Part establishing requirements for provisional licenses are effective for three years beginning on May 22, 2014, will be in effect *for a period of three years, and will not be extended beyond* May 22, 2017. (Section 4-103 of the Act)

g) The Department will issue no more than 24 licenses statewide for specialized mental health rehabilitation facilities, in accordance with the Act and this Part.

h) Pursuant to Section 4-102 of the Act, a new provisional license application is required upon initial licensure as a specialized mental health rehabilitation facility and whenever there is a change of ownership, in licensed bed capacity, in services provided, or of location.

i) The application shall be under oath, and the submission of false or misleading information shall be a Class A misdemeanor. The application, in a form prescribed by the Department, shall contain the following information:

1) The name, or proposed name, and address of the facility;

2) The name, residence and mailing address of the applicant;

3) If the applicant is a partnership, the name and principal business address of each partner;

4) If the applicant is a corporation or association, the name, title and business address of each officer and member of the governing board;

5) If, at the time of application, the applicant is associated with a clinical or operational management company, the name of the company, manager, principle business address, and written copies of consulting arrangements.

A) For the purposes of this Section, "associated" means employed by or in a contractual relationship with a clinical or operational management company.

B) The applicant shall submit to the Department written copies of all employment agreements and contracts in effect between the applicant and a clinical or operational management company. If, following the time of application, an applicant becomes employed by or enters into a contractual relationship with a clinical or operational management company, he or she shall inform the Department and submit all required documentation to the Department;

6) The name and address of the owner or owners of the facility premises, if the applicant is leasing or renting;

7) A written plan of operation as specified in Section 380.720;

8) A financial statement setting forth the financial condition of the applicant, demonstrating that the applicant's ability to maintain *the minimum financial or other resources necessary to meet the standards established under* the *Act* and this Part (Section 2-101(7) of the Act);

9) Documentation that a needs assessment survey was performed within the community in which the facility is located, justifying the levels of service to be provided; and

10) A non-refundable license fee of $5,700.

Section 380.710 Application Process and Requirements for a Provisional License

a) *A provisional license shall be valid upon fulfilling the requirements established by the Department* in this Part. *The license shall remain valid as long as a facility remains in compliance with the licensure provisions established in* this Part. (Section 4-105 of the Act)

b) When an application for a provisional license and certification of any of the four programs identified in the Act and in Subpart B is submitted pursuant to this Part, the Department will notify the applicant in writing within 30 days after receipt of the application as to whether the application is complete and accepted for filing, or whether the application is incomplete, and what specific information or documentation is required to complete the application.

c) If the applicant fails to respond within 30 days after being notified that the Department needs additional information or documentation, the applicant shall be considered to have withdrawn the application. Any applicant considered to have withdrawn an application may reapply by submitting a new application.

d) The Department shall notify an applicant in writing, within 60 days following the acceptance of an application, of the Department's decision to approve or deny the application.

e) If the Department fails to notify an applicant by the end of the 60-day time period, the applicant may request, in writing, a review by the Director. The written request shall include:

1) An identification of the applicant;

2) The date the application was submitted;

3) A copy of any correspondence between the Department and the applicant regarding the application; and

4) Any other information the applicant wishes to submit regarding the timeliness of the Department's consideration of the application.

f) The Department shall notify an applicant immediately upon denial of any application for provisional licensure. The notice shall be in writing and shall include:

1) A clear and concise statement of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part under which the application is being denied.

2) A notice of the opportunity for a hearing. If the applicant desires to contest the denial of a license, it shall provide written notice to the Department of a request for a hearing within 10 days after receipt of the notice of denial. The hearing will be conducted pursuant to Sections 3-704 through 3-712 of the Nursing Home Care Act.

g) Requirements for Provisional Licensure

1) DHS-DMH will advise the applicants of the training that shall be completed prior to the issuance of the provisional license. Limited trainings may be conducted over a three-month period following the issuance of the provisional license.

2) All staff shall be hired in accordance with the requirements for each level of service prior to the beginning of clinical operations for the respective levels of service after the issuance of the provisional license.

3) Crisis stabilization, transitional living units and recovery and rehabilitation supports units shall comply with the physical plant standards in Subpart E within three years after May 22, 2014. Triage centers shall comply with all physical plant standards prior to the beginning of clinical operations, after the issuance of a provisional license.

Section 380.720 Plan of Operation

a) The license applicant shall submit, with the license application, the plan of operation, including, but not limited to, the following components of the facility, respective of the level or levels of service to be provided:

1) A proposal of certification for each level of service to be provided by a facility;

2) A summary of administration requirements as specified in Subpart D;

3) Services and staffing:

A) Clinical level of service and staffing, as appropriate to each level of service provided, and pursuant to the respective level of service requirements in Subpart B;

B) Documentation of the required training for each staffing classification in each level of service; and

C) Any contractual arrangements;

4) Admission process and criteria;

5) Discharge planning and transition process;

6) Network linkages with community-based behavioral health providers;

7) Contents of consumer health and treatment records;

8) Consumer rights and empowerment;

9) Pharmaceutical services and self-medication program;

10) Program space allocation;

11) Restraint and therapeutic separation policies and procedures;

12) Physical plant or buildings, and fire safety;

13) Health services program;

14) Interdisciplinary treatment teams;

15) Psychiatric and psychological services; and

16) Quality improvement plan.

b) The plan of operation shall specify each target population group and service that the facility plans to offer, as referenced in Subpart A. The description shall identify:

1) Eligibility for services;

2) The number of consumers to be served;

3) An identification of the particular needs of the population;

4) How the facility's respective levels of service are designed to meet the needs of the population; and

5) The method and frequency of evaluating consumer progress.

c) The plan of operation shall include a description of how a facility's respective levels of service meet identified mental health needs in its service area. The description shall demonstrate what makes the facility's levels of service innovative compared to existing programs in the service area pursuant to Section 380.700(i)(9).

d) The plan of operation shall specify how a facility expects to obtain accreditation via achieving the components in subsections (a), (b) and (c) for each year of provisional licensure. Each provider shall, annually, specify operational benchmarks toward achieving accreditation status for each year of the provisional license period, with the correlating documentation for verification of compliance.

1) During the provisional licensure period, the Department will conduct surveys to determine facility compliance with timetables and benchmarks, and with the facility's provisional licensure application plan of operation. Timetables and benchmarks shall comply with the requirements for accreditation by the national accreditation entities listed in Section 380.730 and shall include, but not be limited to, the following:

A) The training of new and existing staff;

B) The establishment of a data collection and reporting program for the facility's QAPI program, pursuant Sections 380.510 and 380.515; and

C) Compliance with NFPA Chapter 33 and with Section 380.670.

2) As part of the surveys required in subsection (d)(1), the Department will conduct reviews to determine compliance with timetables and benchmarks associated with the accreditation process. Facilities shall meet timetables and benchmarks in accordance with a facility's preferred accrediting entity's conformance standard and recommendations to include, but not be limited to, a comprehensive facility self-evaluation in accordance with one of the established national accreditation programs listed in Section

380.730.

3) Facilities shall submit all reporting and outcome data required by their preferred accrediting entity to the Department upon request.

4) Except for incidents involving the potential for serious harm as described in Section 380.750(c)(5), or death, or a facility's consistent and repeated failure to take necessary corrective actions as described in Section 380.750(c)(6) within 60 days, findings in the facility's root cause analysis and the facility's QAPI program in accordance with Section 4-104(22) of the Act and Section 380.510 shall not be used as a basis for non-compliance.

Section 380.730 Requirements for Accreditation

a) *At the end of the provisional licensure period established in* the *Act, the Department shall license a facility as a specialized mental health rehabilitation facility under* the *Act that successfully completes and obtains valid national accreditation in behavioral health from a recognized national accreditation entity and complies with* this Part. (Section 4-201 of the Act The license shall be good for one year and shall be renewable annually provided the facility is in substantial compliance with the Act, this Part.

b) To achieve accreditation, all levels of service that are operated by the licensee and funded in whole or in part by the State shall comply with nationally recognized standards of care as set by one of the following or their successor accreditation standards:

1) Standards for Behavioral Health Care (Joint Commission);

2) Behavioral Health Standards Manual (Commission on Accreditation of Rehabilitation Facilities (CARF)); or

3) Accreditation Requirements for Behavioral Health Centers (Healthcare Facilities Accreditation Program).

c) The facility shall demonstrate current accreditation status by submission of a

certificate of accreditation and the most recent accreditation report to the certifying State agency and to the Department.

d) If the facility's accreditation is suspended, lost or discontinued, the provider shall notify the certifying State agency and the Department of that change immediately.

Section 380.740 Surveys and Inspections

a) Upon receipt of a completed application and verification of the facility's compliance with the Act and this Part, and a licensure fee of $5,700, and the completion of an initial survey as described in subsection (b), the Department will issue a provisional license for one or more of the four levels of service identified in the Act and in Section 380.100 of this Part (definition for facility), as requested by the licensee in the application.

b) Prior to the issuance of the initial provisional license, and then at least annually, *the Department shall conduct surveys of licensed facilities and their certified programs and services. The Department shall review the records or premises, or both, as it deems appropriate for the purpose of determining compliance with* the *Act and* this Part. *The Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the facility to the extent necessary to carry out* the *Act and* this Part. In addition, the Department will:

1) Conduct staff interviews;

2) Conduct consumer interviews; and

3) Review evidence-based program outcomes.

c) *Any holder of a license or applicant for a license shall be deemed to have given consent to any authorized officer, employee, or agent of the Department to enter and inspect the facility in accordance with* the Act. *Refusal to permit entry or inspection shall constitute grounds for denial, suspension, or revocation of a license under* the *Act*. (Section 4-108 of the Act) The Department's access to the facility's books, records and any other documents maintained by the facility includes, but is not limited to:

1) Verifying whether the facility complies with all of the requirements for

authorization and review of treatment appropriateness for each consumer, based on the service level or levels for which the facility is licensed. The facility shall ensure that State-designated authorization agents and other authorized State personnel are provided with timely and unfettered access to consumers, records, facility staff and consultants who are part of the facility's treatment team; and

2) Verifying whether, for all programs except for triage centers, the facility has admitted any consumer prior to completing the required authorization. The Department may revoke a facility's license for admission of consumers into crisis stabilization units, transitional living units, or recovery and rehabilitation supports units without pre-authorization for that program. Admission of a consumer without pre-authorization violates this Part and the Department of Healthcare and Family Services' rate requirements. Facilities will not receive retroactive payment for services provided prior to pre-authorization through the required authorization.

Section 380.750 License Sanctions and Revocation

a) *The Department may revoke a license for any failure to substantially comply with* the *Act and* this Part*, including, but not limited to, the following* behavior by a licensee:

1) *Fails to correct deficiencies identified as a result of an on-site survey by the Department and fails to submit a plan of correction within 30 days after receipt of the notice of violation*;

2) *Submits false information on Department forms, required certifications* or *plans of correction during an on-site inspection*;

3) *Refuses to permit or participate in a scheduled or unscheduled survey;*

4) *Willfully violates any rights of individuals being served* (Section 4-109(a) of the Act); or

5) Fails to comply with Section 4-107 of the Act and with Section 380.200(a)(2) of this Part.

b) *The Department may refuse to license or relicense a facility if the owner or*

authorized representative or licensee has been convicted of a felony related to the provision of healthcare or mental health services, as shown by a certified copy of the order of *the court of conviction.* (Section 4-109(b) of the Act)

c) *Facilities, as a result of an on-site survey, shall be recognized according to levels of compliance with standards as set forth in* the *Act* and this Part. *Facilities with findings from Level 1 to Level 3 will be considered to be in good standing with the Department. Findings from Level 3 to Level 5 will result in a notice of violations, a plan of correction and sanctions* as defined in subsecton (f). *Findings resulting in Level 6 will result in a notice of violations and sanction* as defined in subsection (f). *The levels of compliance are*:

1) *Level* 1 is *full compliance with* the *Act and* this Part. Full compliance means meeting the requirements except for variances from the strict and literal performance that results in unimportant omissions or defects, given the particular circumstances involved.

2) *Level 2* is *acceptable compliance with* the *Act and* this Part. *No written plan of correction will be required from the licensee*. Acceptable means enough in either quantity or quality, and within the professional standards applicable to the subject under review, to meet the needs of the consumers of a facility under the particular set of circumstances in existence at the time of review.

3) *Level 3* is *partial compliance with* the *Act and* this Part. *An administrative warning is issued* by the Department. *The licensee shall submit a written plan of correction* pursuant to subsection (a)(1). Partial compliance is a condition or occurrence relating to the operation and maintenance of a facility that creates a substantial probability that less than minimal physical or mental harm to a consumer will result.

4) *Level 4* is *minimal compliance with* the *Act and* this Part. *The licensee shall submit a written plan of correction* pursuant to subsection (a)(1), *and the Department will issue a probationary license. A re-survey shall occur within 90 days* after the Department receives the written plan of correction from the facility. Minimal compliance is a condition or occurrence relating to the operation and maintenance of a facility that is more likely than not to cause more than minimal physical or mental harm to a consumer.

5) *Level 5* is *unsatisfactory compliance with* the *Act and* this Part. *The facility shall submit a written plan of correction* pursuant to subsection (a)(1), *and the Department will issue a restricted license. A re-survey shall occur within 60 days* after the Department receives the written plan of correction from the facility. Unsatisfactory compliance is a condition or occurrence relating to the operation and maintenance of a facility that creates a substantial probability that the risk of death or serious mental or physical harm to a consumer will result, or has resulted in, actual physical or mental harm to a consumer.

6) *Level 6* is *revocation of the license to provide services. Revocation may occur as a result of a licensee's consistent and repeated failure to take necessary corrective actions to rectify documented violations, or the failure to protect consumers from situations that produce an imminent risk*, creating a condition relating to the operation and maintenance of a facility that proximately caused a consumer's death. (Section 4-109(c) of the Act) Revocation also may occur for failure to comply with *all consent decrees that apply to facilities federally designated as institutions for the mentally diseased* and that *continue to apply to facilities licensed under* the *Act*, or to otherwise obstruct a consumer from transferring from a facility to a community-based setting. (Section 1-101.5(b) of the Act)

d) In determining the level of a violation, the Director or his or her designee will consider the following criteria:

1) The degree of danger to the consumer, consumers or community that is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

A) Whether the consumer or consumers of the facility are able to recognize conditions or occurrences that may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the consumers, as indicated by review of consumer needs, will be considered in relation to this determination.

B) Whether the consumer or consumers have access to the area of the facility in which the condition or occurrence exists and the extent of access. A facility's use of barriers, warning notices, instructions

to staff and other means of restricting consumer access to hazardous areas will be considered.

C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.

D) Whether the consumer or consumers of the facility were notified of the condition or occurrence and the promptness of the notice. Failure of the facility to notify consumers of potentially harmful conditions or occurrences will be considered. The adequacy of the method of the notification and the extent to which the notification reduced the potential danger to the consumers will also be considered.

2) The directness and imminence of the danger to the consumer, consumers, or the community by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:

A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress or pain to a consumer or consumers resulted from the condition or occurrence and the extent of the harm.

B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the consumer or consumers has resulted from similar conditions or occurrences, and the frequency of this danger.

C) Whether professional opinions and findings indicate that direct and imminent danger to the consumer or consumers will result from the condition or occurrence.

D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.

E) Whether the physical, mental or emotional state of the consumer or

consumers who are subject to the danger would facilitate or hinder harm actually resulting from the condition or occurrence.

e) *Prior to initiating formal action to sanction a license, the Department shall allow the licensee an opportunity to take corrective action to eliminate or ameliorate a violation of* the *Act* or this Part *except in cases in which the Department determines that emergency action is necessary to protect the public or individual interest, safety or welfare*. (Section 4-109(d) of the Act)

f) *Subsequent to an on-site survey, the Department shall issue a written notice to the licensee. The Department shall specify the particular Sections of* the *Act or* this Part*, if any, with which the facility is not compliant. The Department's notice shall require any corrective actions be taken within a specified time period as required by* the *Act and* subsections (a)(1) and (c)(4) and (5) of this Section, as applicable. (Section 4-109(e) of the Act)

g) *Sanctions shall be imposed according to the following definitions*:

1) *Administrative notice – A written notice issued by the Department that specifies violations* of the Act and this Part *requiring a written plan of correction with time frames for corrections to be made and a notice that any additional violation of* the *Act and* this Part *may result in a higher level sanction. (Level 3)*

2) *Probation – Compliance with* the *Act and* this Part *is minimally acceptable and necessitates immediate corrective action. Individuals' life safety or quality of care* is *not in jeopardy. The probationary period is limited to 90 days* after the Department receives the written plan of correction from the facility. *During the probationary period, the facility must make corrective changes sufficient to bring the facility back into good standing with the Department. Failure to make corrective changes within that given time frame may result in a determination* by the Department *to initiate a higher-level sanction. The admission of new individuals shall be prohibited during the probationary period. (Level 4)*

3) *Restricted license – A licensee is sanctioned for unsatisfactory compliance. The admission of new individuals shall be prohibited during the restricted licensure period. Corrective action sufficient to bring the licensee back into good standing with the Department must be taken*

within 60 days after the Department receives a written plan of correction from the facility. *During the restricted licensure period a monitor will be assigned to oversee the progress of the facility in taking corrective action. If corrective actions are not taken, the facility will be subject to a higher-level sanction. (Level 5)*

4) *Revocation – Revocation of the license is withdrawal by formal actions of the licensee. The revocation shall be in effect until the provider submits a re-application and the licensee can demonstrate its ability to operate in good standing with the Department. The Department has the right not to reinstate a license. If revocation occurs as a result of imminent risk, all individuals will be immediately relocated and all funding will be transferred. (Level 6)*

5) *Financial penalty* (fines) – *A financial penalty may be imposed upon finding of violation in any one or combination of the provisions of* the *Act* and this Part. *In determining an appropriate financial penalty, the Department may consider the deterrent effect of the penalty on the organization and on other providers, the nature of the violation, the degree to which the violation resulted in a benefit to the organization and/or harm to the public and any other relevant factors to be examined in mitigation or aggravation of the organization's conduct. The financial penalty may be imposed in conjunction with other sanctions or separately. Higher-level sanctions may be imposed in situations where there are repeat violations*. (Section 4-109(f) of the Act) Fines for single violations and multiple violations shall be consistent with Section 3-305 of the Nursing Home Care Act.

h) The Department may revoke a facility's certification for an individual level of service without interrupting the operation of other certified levels of service offered by the facility.

Section 380.760 Citation Review and Appeal Procedures

a) *Upon receipt of Level 3 to 6 citations, the licensee may provide additional written information and argument disputing the citation within 10 working days* following the receipt of the citations. *The Department shall respond to the licensee's disputation within 20 days* following receipt of the disputation. (Section 4-110 of the Act)

b) *If a licensee contests the Department's decision regarding a Level 4 to 6 citation or penalty, it can request a hearing by submitting a written request within 20 working days* after it receives *the Department's dispute resolution decision. The Department shall notify the licensee of the time and place of the hearing not less than 14 days prior to the hearing date*. (Section 4-110 of the Act)

c) *A license may not be denied or revoked unless the licensee is given written notice of the grounds for the Department's action. Except when revocation of a license is based on imminent risk, the facility or program whose license has been revoked may operate and receive reimbursement for services during the period preceding the hearing, until a final decision is made.* (Section 4-110 of the Act)

d) All hearings will be conducted in accordance with Practice and Procedures in Administrative Hearings.

e) *Notwithstanding the existence or pursuit of any other remedy, the Director may, in the manner provided by law, upon the advice of the Attorney General who shall represent the Director in the proceedings, maintain an action in the name of the State for injunction or other process against any person or government unit to restrain or prevent the establishment of a facility without a license issued pursuant to* the *Act* and this Part*, or to retrain or prevent the opening, conduction, operating, or maintaining of a facility without a license issued pursuant to* the *Act* or this Part. *In addition, the Director may, in the manner provided by law, in the name of the People of the State and through the Attorney General who shall represent the Director in the proceedings, maintain an action for injunction or other relief or process against any licensee or other person to enforce and compel compliance with the provisions of* the *Act and* this Part *and any order entered for any response action pursuant to* the *Act and* this Part. (Section 4-111 of the Act)

Section 380.770 Safety, Zoning and Building Clearances

a) A license will not be issued to any facility that does not conform to the State Fire Marshal's requirements for fire and life safety and for local fire safety, zoning and building ordinances. All handicapped accessible facilities shall meet the minimum requirements of the Illinois Accessibility Code and the Americans With Disabilities Act. Facilities shall maintain a written policy for reasonable modification for the admission of consumers unable to access the facility's sites due to physical inaccessibility.

b) The licensee shall maintain the facility in a safe structural condition. If the Department determines that an evaluation of the structural condition of a facility building is necessary, the licensee shall submit a report by a licensed structural engineer that shall establish a basis for eliminating or correcting the structural conditions that are found to be hazardous.

Section 380.780 Special Demonstration Programs and Services

a) All licensees shall maintain compliance with all requirements of the Act and this Part.

b) Based on data from community needs health assessments conducted by facilities, in cooperation with local health departments, the State may engage specific providers to participate in a special demonstration program.

c) When a facility initiates a special demonstration program, the facility shall obtain approval from the Department prior to the use of concepts, methods, procedures, techniques, equipment, personnel qualifications, or the conducting of pilot projects that are alternative to the Act and this Part, provided that alternatives are carried out with provision for safe and adequate care. This approval shall provide for the terms and conditions under which the alternative is granted.

d) A written request and substantiating information and documents supporting the request, which the facility may obtain from the local health department, shall be submitted by the applicant or licensee to the Department.

e) Any approval by the Department granted under this Section shall be posted adjacent to the facility license.

f) Information concerning the availability of demonstration programs and services shall be provided to the designated assessment and authorization entity to inform the admission decisions by the consumer.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Visa Waiver Program for International Medical Graduates

2) Code Citation: 77 Ill. Adm. Code 591

3)

Section Numbers:	Adopted Action:
591.10	Repealed
591.20	Amendment
591.30	Amendment
591.40	Amendment
591.100	Amendment
591.110	Amendment
591.120	Amendment
591.130	Amendment
591.140	Amendment
591.150	New Section
591.160	New Section
591.170	New Section
591.180	New Section

4) Statutory Authority: Sections 212(e) and 214(I) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(I)), and 22 CFR 62, Exchange Visitor Program

5) Effective Date of Rule: November 21, 2014

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposed published in the *Illinois Register*: July 25, 2014; 38 Ill. Reg. 15816

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

11) Differences between Proposal and Final Version:

No comments were received during the first notice or public comment period and no changes were made.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

The following changes were made in response to comments and suggestions of JCAR:

In Section 591.120(b)(4)(A)(vi), sentence changed from "A statement that the physician will begin working within 90 calendar days after receiving the waiver and employment authorization from the U.S. Citizenship and Immigration Services" to "A statement that the physician will begin working within 90 calendar days after receiving the waiver and employment authorization from the U.S. Department of Homeland Security, Citizenship and Immigration Services"

In Section 591.120(b)(15), paragraph changed from "For specialists, documentation that their specialty has a greater shortage in the underserved area or for the underserved population group they propose to serve. Documentation may include, but not be limited to, the following" to "For specialists, documentation that a shortage exists in their specialty, in the underserved area or for the underserved population group they propose to serve, that is greater than the norm. This shortage is determined by creating a ratio of physicians to the population using a listing of physicians in that specialty who provide service in the underserved area or for the underserved population and the population of the underserved area or the number of individuals who comprise the underserved population using the most recent data available. If the ratio of physician to population is less than 1:10,000, a greater shortage of that specialty exists in the underserved population than is the norm. Documentation may include, but not be limited to, the following:"

In Section 591.140(a), the strikeout of the word "J-1" in the first sentence was removed.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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 an emergency rule currently in effect? No

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

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
591.30	Amendment	38 Ill. Reg. 20133; October 24, 2014
591.115	New Section	38 Ill. Reg. 20133; October 24, 2014

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: Changes to Part 591 were adopted to incorporate new definitions, clarify eligibility requirements, update application criteria, revise selection standards, and amend the term of performance for participating physicians.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL MEDICAL GRADUATES

PART 591
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

Section
591.10 Applicability (Repealed)
591.20 Definitions
591.30 Incorporated and~~or~~ Referenced Materials
591.40 Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section
591.100 ~~Participation~~ Eligibility of Physicians and Facilities
591.110 Application Submission Time Frames~~Timeframes~~
591.120 Application Materials and Processing
591.130 Selection Process
591.140 Terms of Performance
591.150 Physician Termination
591.160 Physician Transfer
591.170 Completion of Waiver Requirements
591.180 National Interest Waiver

AUTHORITY: Authorized by and implementing sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)) and 22 CFR 62 (Exchange Visitor Program).

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005; emergency amendment at 29 Ill. Reg. 7825, effective May 10, 2005,

for a maximum of 150 days; emergency expired October 6, 2005; amended at 30 Ill. Reg. 898, effective January 5, 2006; amended at 38 Ill. Reg. 23048, effective November 21, 2014.

SUBPART A: GENERAL PROVISIONS

Section 591.10 Applicability (Repealed)

~~This Part implements Section 1182(e) of the federal Immigration and Nationality Act, which allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three-year employment contract in a health professional shortage area or medically underserved area, or serving a medically underserved population in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized by the U.S. Information Agency to request J-1 Visa Waivers annually for up to 30 eligible physicians.~~

~~a) The provisions of this Part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.~~

~~b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 Visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.~~

(Source: Repealed at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.20 Definitions

"Act" means the Immigration and Nationality Act (8 USC 1182(e) and 8 USC 1184(l)).

"Applicant" means a physician or an individual acting on behalf of the physician who applies to the Department for a J-1 Visa Waiver.

"Board certified" means that a physician has taken and passed a medical specialty examination.

"Board eligible" means that a physician has completed the requirements for admission to a medical specialty board examination but has not taken and passed the examination.

"Calendar day" means all days in a month or prescribed time frame, including weekends and federal or State government declared holidays.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Certified local health department" means a county, multi-county, municipal or district public health agency recognized by the Department pursuant to the Certified Local Health Department Code.

"Change of ownership" means a change in the person who has operational control of a medical facility.

"Community-based organization" means a locally organized and locally recognized group of individuals whose goals include efforts to maintain or increase the availability of primary health care in its community.

"Community Health Center" or "CHC" means migrant health centers or community health centers~~community/migrant health centers~~ or health care for the homeless programs or health care for residents of public housing~~projects~~ supported under section~~Section 329,~~ 330 ~~or 340~~ of the federal Public Health Service Act ~~(42 USC 254b, 254c, and 256), respectively,~~ and Federally Qualified Health Centers, including Federally Qualified Health Center Look-Alikes,~~or federally qualified health center look-alikes,~~ as designated by the Secretary of the U.S. Department of Health and Human Services, that operate at least one federally designated primary health care delivery site in Illinois~~Public Health Service~~.

"Country of nationality or country of last legal residence" means the country from which the physician was a national at the time J-1 status was acquired or the last foreign country in which the physician had a legal permanent residence before acquiring J-1 status.

~~"Center" means the Center for Rural Health of the Illinois Department of Public~~

~~Health.~~

"Curriculum vitae" means a written description of professional accomplishments, work experience, educational background and skills.

"Department" means the Illinois Department of Public Health.

"DHHS" means the U.S. Department of Health and Human Services.

~~"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.~~

"Federal fiscal year" means the 12-month period beginning October 1 and ending September 30 of the following year. The federal fiscal year may be divided into four calendar quarters: October 1 through~~though~~ December 31; January 1 through March 31; April 1 through June 30; and July 1 through September 30.

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act.

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act, but does not receive federal grants under that authority.

"Full time practice" means maintaining 40 hours of ambulatory access per week as required under the Act and the Code of Federal Regulations.

"H1B visa" means a visa for a foreign national to work in the U.S. for a temporary period, issued by the U.S. Department of Homeland Security. It is available for employment in a specialty occupation, including, but not limited to, biotechnology, chemistry, architecture, engineering, mathematics, education, law, medicine and research.

"Health Professional Shortage Area" or "HPSA" means~~is~~ a designation provided~~given~~ by the U.S. Department of Health and Human Services, Health Resources and Services Administration, indicating a shortage of primary medical care or dental or mental health providers. The designation may be geographic (a county or service area), demographic (low-income population) or institutional

(comprehensive health center, FQHC, or other public facility or non-profit facility). HPSA designations can be found at http://hpsafind.hrsa.gov.~~Shortage Designation Branch. The HPSA designation is based on the ratio of primary care physicians to population and is used to identify areas needing additional primary care physicians. The list of HPSAs is published periodically in the Federal Register, and can be found at http://belize.hrsa.gov/newhpsa/newhpsa.cfm.~~

"Health professional shortage area score" or "HPSA score" means a score calculated by DHHS that is assigned to areas or facilities having a health professional shortage designation to determine priorities for assignment of clinicians.

"Hospital" means a location defined in and licensed under the Hospital Licensing Act.

"Hospitalist" means a physician whose primary focus is the medical care of hospitalized patients. The hospitalist's activities include patient care, teaching, research, and leadership related to hospital medicine.

"Intermediate care facilities for the developmentally disabled and long-term care for under age 22 facilities" means a location defined in and licensed under the ID/DD Community Care Act.

"J-1 visa" means a non-immigrant visa issued by the United States to exchange visitors participating in programs that promote cultural exchange, business training or medical education.

"J-1 visa waiver" or "waiver" means a federal action that waives the requirement for a foreign physician, in the U.S. on a J-1 visa, to return to his/her country of nationality or country of last legal residence for a two-year period following medical residency training.

"J-1 visa waiver flex option" means a waiver granted by the Department recommending that a physician work at a medical facility that is not specifically designated as underserved by DHHS.

"J-1 visa waiver program" or "Waiver program" means the administration of the waiver process by the Department.

"Labor certification" means the process of proving that there are no qualified U.S. workers for the position being offered by an employer.

"Long-term care facility" means a location defined in and licensed under the Nursing Home Care Act.

"Liquidated damages" means damages in an amount designated by the parties during the formation of a contract for the injured party to collect as compensation upon a specific breach.

"Medical facility" means a facility for the delivery of health services and includes:

A community health center;

A local health department;

An outpatient medical facility;

A community mental health center;

~~a community health center, local health department, outpatient medical facility, or community mental health center;~~

A hospital;

A~~a hospital,~~ State-operated facility providing care to persons with mental illness~~ mental hospital, facility for long-term care or rehabilitation facility~~;

An ID/DD Community Care facility;

A long-term care facility;

A rehabilitation facility (either a distinct bed unit in a general acute care hospital or a specialty hospital);

A Migrant Health Center or an Indian Health Service facility;

An FQHC or FQHC Look-Alike;

A~~a~~ facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

A~~a~~ Public Health Service medical facility (used in connection with the delivery of health service under section~~Section~~ 320, 321, 322, 324, 325 or 326 of the Public Health Service Act)~~;~~ or any other federal medical facility;~~.~~

A specialized mental health rehabilitation facility.

"Medically underserved area" or "MUA" means a location designated~~is a designation given~~ by DHHS~~the U.S. Department of Health and Human Services, Shortage Designation Branch. The MUA designation is~~ based on the availability of primary care physicians, demographic characteristics, and health status of the residents of a service area. The designation~~ and~~ is used to identify areas in need of additional health care services. ~~The list of~~ MUAs can be found at http://bphc.hrsa.gov/databases/newmua.

"Medically underserved population" or "MUP" means a population group designated~~is a designation given~~ by DHHS~~the U.S. Department of Health and Human Services, Shortage Designation Branch. The MUP designation means that a particular population group~~, such as a group of area residents with incomes at or below twice the federal poverty level, as being~~is~~ in need of additional health care services. ~~The list of~~ MUPs can be found at http://muafind.hrsa.gov/. ~~http://bphc.hrsa.gov/databases/newmua.~~

"Metropolitan Statistical Area" or "MSA" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

"National interest waiver" or "NIW" means an exemption from the labor certification process for foreign physicians who stay in the U.S. and work in an underserved area and whose stay is determined to be in the public interest by the Department. The waiver is issued by the U.S. Department of Homeland Security under section 5 of the Nursing Relief for Disadvantaged Areas Act of 1999.

"Non-compete" means an agreement between the physician and the medical facility under which the physician agrees not to enter into competition with the medical facility after employment ends.

"Null and void" means that a J-1 visa waiver application submitted to the Department has no legal force and is invalid.

"Physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiology, transportation~~,~~ and pharmacy. Primary care is comprehensive in nature ~~and not organ or problem specific, is oriented toward the longitudinal care of the patient,~~ and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~ with a specialty in family practice, ~~general~~ internal medicine, ~~general~~ pediatrics, or obstetrics/gynecology~~, or medicine/pediatrics~~.

"Psychiatric physician" or "psychiatrist" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~ with a specialty in psychiatry.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within an MSA~~a Metropolitan Statistical Area~~ but having a population of 60,000 or less; or a geographic area located within an MSA but having a population of 2,500 or less.

"Service area" is the geographic area composed of the HPSA, MUA or MUP.

"Specialized mental health rehabilitation facility" means a location defined in and licensed under the Specialized Mental Health Rehabilitation Act of 2013.

"Specialist physician" or "Specialist" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 with a specialty in an area other than primary care or psychiatry.

"Submission of application" or "Submission" means that a J-1 visa waiver application has been submitted to the Department. For purposes of this Part, submission means that the Department has received the application by the established submission deadline (see Section 591.110(a) and (b)). Submission does not mean that the application is postmarked by the established submission deadline but arrives at the Department on a later date.

"Unauthorized employment" means hiring a physician for employment that is beyond the terms and conditions of the physician's employment contract with the medical facility.

"Urban" means any geographic area that does not meet the definition of "rural" in this Section~~located in a U.S. Bureau of the Census Metropolitan Statistical Area, except a county located within a Metropolitan Statistical Area having a population of 60,000 or less~~.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.30 Incorporated and~~or~~ Referenced Materials

The following materials are incorporated or referenced in this Part:

a) ~~The following~~ Illinois statutes ~~and rules are referenced in this Part~~:

~~1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).~~

1~~2~~) Medical Practice Act of 1987 [225 ILCS 60]~~.~~

2) Hospital Licensing Act [210 ILCS 85]

3) Nursing Home Care Act [210 ILCS 45]

4) ID/DD Community Care Act [210 ILCS 47]

5) Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]

b) Illinois Administrative Rules:

1) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

2) Certified Local Health Department Code (77 Ill. Adm. Code 600)

c~~b~~) Federal~~The following federal~~ statutes~~ are referenced in this Part~~:

1) Educational Visitor Status, section 212e of the Immigration and Nationality Act (8 USC 1182e)

2) Admission of Nonimmigrants, section 214(1) of the Immigration and Nationality Act (8 USC 1184(1))

3) Federally Qualified Health Center, section 330 of the Public Health Service Act (42 USC 254b)

4~~1~~) Designation of Health Professional Shortage Areas, section~~Section~~ 332 of the Public Health Service Act (42 USC 254e)~~.~~

5~~2~~) Designation of Medically Underserved Areas/Populations, section~~Section~~ 330 of the Public Health Service Act (42 USC 254e)~~.~~

6) Specialty Occupations, Department of Defense Workers, Fashion Models, section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 USC 1101)

7) National Interest Waivers of Job Offer Requirements for Aliens Who are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability, section 5 of the Nursing Relief for Disadvantaged Areas Act of 1999 (8 USC 1101, 1153 and 1182 and 42 USC 1395ww and 254e)

d~~c~~) Federal~~The following federal~~ regulations~~ are incorporated in this Part~~:

1) Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program (22 CFR 62 (October 27, 2010))~~(April 1, 2004)).~~

2) Immigrant Visa Petitions (8 CFR 204 (November 5, 2007))

3) Adjustment of Status to that Person Admitted for Permanent Residence (8 CFR 245 (February 28, 2003))

e~~d~~) All incorporations by reference of federal regulations refer to materials on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.40 Administrative Hearings

Administrative~~All administrative~~ hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings~~ (77 Ill. Adm. Code 100)~~.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.100 ~~Participation~~ Eligibility of Physicians and Facilities

a) A physician who applies to the program shall meet the following requirements:

1) Reside in Illinois or relocate to Illinois if a waiver is granted;

2) For primary care physicians, have entered into an employment contract with a medical facility located in a Primary Care HPSA. If the physician will work at more than one medical facility, each facility shall be located in a Primary Care HPSA;

3) For psychiatrists, have entered into an employment contract with a medical facility located in a Mental Health HPSA. If the psychiatrist will work at more than one medical facility, each facility shall be located in a Mental Health HPSA;

4) For specialists, have entered into an employment contract with a medical facility located in an HPSA. If the specialist will work at more than one medical facility, each facility shall be located in an HPSA;

5) For specialists who apply for the J-1 visa waiver flex option, have entered into an employment contract with a medical facility that is not in an HPSA, MUA or MUP. The application shall document that at least 51% of the physician's patients seen at the medical facility will reside in an HPSA, MUA or MUP. Documentation shall include patient origin data that depicts the total number of patients residing in an HPSA, MUA or MUP compared to the number of patients from the HPSA, MUA or MUP who received service at the medical facility. Patient origin information shall be for the most recent 12-month period for which data is available;

6) Be board eligible or board certified in his or her medical specialty; and

7) Have completed a residency in his or her medical specialty.

~~a) Primary care physicians and psychiatrists eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:~~

~~1) have entered into an employment contract with a facility located in an HPSA;~~

~~2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, obstetrics/gynecology, or psychiatry; and~~

~~3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties is indicated in the application of the physician seeking participation in this program.~~

~~b) Physicians in specialties other than primary care and psychiatry eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:~~

~~1) have entered into an employment contract with a facility located in an HPSA or MUA/P;~~

~~2) be board eligible or board certified in their specialty.~~

b~~c~~) Medical facilities eligible to participate in the waiver program~~J-1 Visa Waiver Program in Illinois~~ shall meet the following requirements:

1) The facility shall meet the definition of medical facility in Section 591.20;

2) For primary care physicians, the medical facility shall be located in a Primary Care HPSA;

3) For psychiatrists, the medical facility shall be located in a Mental Health HPSA;

4) For specialists, the medical facility may be located in an HPSA, MUA or MUP. If the medical facility is not located in an HPSA, MUA or MUP, it shall document that at least 51% of the participating physician's patients seen at the medical facility reside in the HPSA, MUA or MUP (see Section 591.100(a)(5));

5) Employers shall not be a relative of the participating physician. For purposes of this Part, relative includes, but is not limited to, spouse, parent, sibling or child;

6) The individual, partnership, corporation or other entity that employs the participating physician shall be established as a legal entity in Illinois and must be in good standing with the Illinois Secretary of State;

7) The facility shall not be in violation of the program's physician transfer requirements (see Section 591.160(e)).

~~1) if contracting with a primary care physician or psychiatrist and located in a rural area, be located in a geographic HPSA, be designated as an HPSA facility, or, if serving an HPSA population group, document that at least 51% of the participating physician's patients seen at the facility are a part of the HPSA's population group; or~~

~~2) if contracting with physicians in specialties other than primary care and psychiatry, be in a geographic HPSA, be an HPSA facility, be located in an MUA, or document that at least 51% of the participating physician's~~

~~patients come from the HPSA population group or from the MUP group.~~

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.110 Application~~Applications~~ Submission Time Frames~~Timeframes~~

a) Applications ~~for each federal fiscal year~~ will be accepted initially between October 1 and October 31 of each year. Applications will not be accepted after the submission deadline.

b) If all recommendations for waivers~~Visa Waivers~~ are not made~~identified~~ from the applications received between October 1 and October 31, applications will be accepted again between January 1 and January 31 and~~;~~ between April 1 and April 30, if necessary.~~; and between July 1 and July 31, if necessary.~~ Applications will not be accepted after the submission deadlines.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.120 Application Materials and Processing

a) Application materials are available from the Department's web site at: http://www.idph.state.il.us/about/rural_health/J1_application.pdf. ~~Application materials are available from, and should be returned to, the following address:~~

Completed applications shall be sent to:

J-1 Visa Waiver Program
Illinois Department of Public Health
Center for Rural Health
535 West Jefferson Street
Springfield, Illinois 62761-0001

or electronically to: dph.crh@illinois.gov.

b) The application materials ~~to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement~~ shall include the following ~~items~~:

1) A statement from the administrator ~~or director~~ of the medical~~health care~~ facility ~~or agency that will be employing the international medical graduate~~ describing prior recruitment difficulties experienced by the medical facility, the expected practice arrangement for the physician~~international medical graduate~~, and the impact on the facility and the patients it serves if the waiver is not approved;~~home country residency requirement is not waived;~~

2) A copy of the medical facility's Certificate of Good Standing from the Illinois Secretary of State's Office (see Section 591.100(b)(6));

3) Documentation of the medical facility's payment policy demonstrating that the J-1 physician will accept Medicare/Medicaid patients and will not deny services to anyone because of the inability to pay;

4~~2~~) A copy of a minimum three-year employment contract between the physician~~international medical graduate~~ and the medical~~a health care~~ facility. If the physician will be employed at multiple facilities, the contract shall contain this information for each facility.

A) The contract shall include:

i) The~~the~~ name and address of the medical facility;~~,~~

ii) The~~the~~ specific geographic area or areas in which the physician~~international medical graduate~~ will practice;~~, and~~

iii) A~~a~~ statement that the physician will practice full-time. ~~(40 hours)~~

- For primary care physicians, the statement shall include that the physician will work full time in the Primary Care HPSA;

- For psychiatrists, the statement shall include that the physician will work full time in the Mental Health HPSA;

- For specialists, the statement shall include that the physician will work full time in the HPSA, MUA or MUP~~HPSAs, or MUA/P identified in the contract~~; or, if the facility is not located in an~~a~~ HPSA~~ or MUA/P~~, MUA or MUP, documentation that at least 51% of the participating physician's patients will come from an~~a~~ HPSA, MUA or MUP~~ or MUA/P~~;

iv) A statement that any amendments to the contract will adhere to State and federal J-1 visa waiver requirements;

v) A statement that termination of the physician may be only for cause;

vi) A statement that the physician will begin working within 90 calendar days after receiving the waiver and employment authorization from the U.S. Department of Homeland Security, Citizenship and Immigration Services; and

vii) A list of benefits and insurance to be provided to the physician;

B) The employment contract shall not include:

i) A non-compete clause; or

ii) A liquidated damages clause;

5~~3~~) A statement from the medical~~employing health care~~ facility ~~or agency~~ that the salary or other form of financial support offered to the physician~~international medical graduate~~ is ~~at a level~~ equivalent to that offered to all other physicians with equivalent skills and experience recruited by the medical~~health care~~ facility;

6~~4~~) A letter ~~of support~~ from the chief medical officer or other high-level hospital executive~~hospital chief of staff~~ verifying that hospital admitting privileges will be granted to the physician~~international medical graduate,~~ and, if not, how admissions of the physician's~~international medical~~

~~graduate's~~ patients will be arranged. If the physician will work at multiple hospitals, each hospital shall submit this letter in the application;

7~~5~~) A letter ~~of support for the visa requirements waiver~~ from at least one local organization or agency, such as the chamber of commerce, local health department, or other community-based organization, demonstrating support for the physician;

8~~6~~) A copy of the applicant's Illinois medical license or application for an Illinois medical license;

9~~7~~) A copy of the applicant's completed U.S. Department of State, J-1 Visa Waiver Recommendation Application (DS-3035);~~completed United States Information Agency Data Sheet;~~

10~~8~~) A copy of the applicant's~~international medical graduate's~~ curriculum vitae;

11~~9~~) A copy of the IAP-66/DS-2019 Form (Certificate for Exchange Visitor J-1 Status) for each year the applicant~~international medical graduate~~ was in J-1 status;

12) Copies of the applicant's U.S. Customs and Border Protection I-94 Entry and Departure Cards;

13) Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (if applicant is represented by an attorney);

14) A personal statement from the applicant regarding his or her reasons for not wishing to fulfill the two-year country of nationality legal residence requirement;

15) For specialists, documentation that a shortage exists in their specialty, in the underserved area or for the underserved population group they propose to serve, that is greater than the norm. This shortage is determined by creating a ratio of physicians to the population using a listing of physicians in that specialty who provide service in the underserved area or for the underserved population and the population of the underserved area or the number of individuals who comprise the underserved population using the most recent data available. If the ratio of physician to population is less

than 1:10,000, a greater shortage of that specialty exist in the underserved area or underserved population than is the norm. Documentation may include, but not be limited to, the following:

A) A listing of specialists who provide service in the underserved area or for the underserved population; or

B) If there are no specialists who provide service in the underserved area or for the underserved population, the applicant shall provide a summary listing the number of patients in the underserved area who migrated out of the underserved area to seek service. This summary shall be for the most recent 12-month period and shall include the travel time and distance these patients incurred to obtain service;

16) For specialists, documentation comparing wait times for an appointment with a physician of the same specialty in the underserved area or for the underserved population group they propose to serve. Documentation may include, but not be limited to, the following:

A) A listing of specialists who provide service in the underserved area or for the underserved population, including the average wait time for an appointment; or

B) If there are no specialists who provide service in the underserved area or for the underserved population, the applicant shall provide a summary listing the number of patients who migrated out of the underserved area to seek service. The summary shall be for the most recent 12-month period and shall include the average wait time for an appointment;

17~~10~~) A completed and notarized Certification Statement A regarding~~signed by~~ the ~~international medical graduate agreeing to the~~ contractual requirements set forth in section~~Section~~ 214(k)(1)(B)~~(l)(1)(B)~~ and (C) of the Immigration and Nationality Act;

18~~11~~) A completed and notarized Certification Statement B describing the applicant's~~international medical graduate's~~ obligation to his/her ~~home~~ country of nationality or country of last legal residence. If the applicant

has a contractual obligation to return to his/her country of nationality or country of last legal residence, the applicant shall obtain a letter from that country stating no objection to the applicant remaining in the United States;

19~~12~~) A completed and notarized Certification Statement C attesting that the applicant's~~in which international medical graduate states that his or her~~ medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;

20~~13~~) A completed and notarized Certification Statement D regarding the accuracy of the application materials; and

21~~14~~) A completed and notarized Certification Statement E regarding medical specialty status.

c) An original and duplicate copy of the application shall be submitted to the Department. If a duplicate copy is not submitted, the application will be considered to be incomplete (see subsection (e)(1)(B)).

d) If the physician proposes to work at a medical facility that currently has another J-1 waiver physician working at the medical facility and that physician is not compliant with the reporting requirements in Section 591.140(a), the application will be considered to be incomplete (see subsection (e)(1)(B)).

e) When an application is received, the following will occur:

1) The Department will determine whether the application is complete. A review will determine whether all applicable requirements have been addressed and whether all required materials and documentation have been submitted (see subsections (a) and (b)).

A) If complete, the application will be considered for selection of a waiver (see Section 591.130).

B) If the application is incomplete, the Department will notify the applicant or the applicant's representative in writing. The applicant will have 30 calendar days (from the date of the Department's

notification) to address the issues identified by the Department and submit requested information or materials. If the applicant does not respond to the Department's notification within the prescribed time frame or if supplemental materials or information fail to address the issues identified by the Department, the application will be null and void.

2) The Department will notify the applicant (or the applicant's representative) in writing if the Department recommends a waiver. If the Department recommends a waiver, the application package will be forwarded to the U.S. Department of State, Waiver Review Division.

~~c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.~~

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.130 Selection Process

a) The Department will not begin the selection process until all issues with incomplete applications have been resolved (see Section 591.120(e)(1)(B)).

b) The U.S. Department of State allows state health departments to submit 30 J-1 waiver requests per federal fiscal year. When the Department has processed and approved 30 waiver requests in a federal fiscal year, subsequent applications will not be considered.

c~~a~~) In the first and second calendar quarters of the federal fiscal year, a maximum of two ~~Visa Waiver~~ applications may~~will~~ be approved for physicians working at the same~~per~~ medical facility~~ requesting J-1 Visa Waivers for international medical graduates~~. In subsequent calendar quarters, applications from physicians proposing to work at medical facilities that have already employed~~had~~ two physicians with waivers will be considered~~waivers approved may apply for additional waivers~~; however, selection priority will be given to applications from physicians proposing to work at medical facilities that have not previously

employed physicians with~~had~~ waivers~~ approved~~.

d~~b~~) The following selection criteria will apply to primary care physicians and psychiatrists:

1) Applicants will be ranked based on the HPSA score of their respective medical facility. If an applicant proposes to work at more than one medical facility, the HPSA score of the medical facility where the applicant will predominately work will be used to rank the applicant.

2) If two or more medical facilities have the same HPSA score, preference will be given to the medical facility having the greatest unmet need for primary care physicians and psychiatrists. Unmet need is the number of primary care physician or psychiatrist full-time equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.

3) An application will not be considered if the inclusion of the applicant will increase the number of primary care physicians or psychiatrists beyond the number needed to eliminate the HPSA designation for the geographic area, facility or population group.

~~1) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care or psychiatrist vacancies at the facility offering employment to the physician.~~

~~2) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.~~

e~~c~~) The following selection criteria will apply to specialists~~physicians in specialties other than primary care and psychiatry~~:

1) Applicants will be ranked based on the HPSA score of their respective medical facility. If an applicant will work at more than one medical

facility, the HPSA score of the medical facility where the applicant will predominately work will be used.

2) If two or more medical facilities have the same HPSA score, preference will be given to the medical facility having the greatest unmet need for specialty medical care. Unmet need is the number of specialist full-time equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.

3) Specialists who applied through the J-1 visa waiver flex option shall be ranked based on the greater number of patients that will be seen at the medical facility.

~~1) Selection preference will be given to applicants who can demonstrate the greatest shortage of their specialty in the underserved area or for the underserved population group they propose to serve.~~

~~2) Selection preference will be given to applicants who can demonstrate the longer waiting time for an appointment with a physician of the same specialty in the underserved area or for the underserved population group they propose to serve.~~

f~~d~~) The following selection allocations will be used in processing waiver applications:

1) In the first calendar quarter~~and second calendar quarters~~ of the federal fiscal year, four~~6~~ waivers will be reserved for psychiatrists who will serve in rural medical facilities; six waivers will be reserved for primary care physicians who will serve in rural medical facilities; seven waivers will be reserved for primary care physicians who will serve in urban medical facilities; and 13~~12 of the remaining 24 waivers will be reserved for primary care physicians; 12~~ waivers will be available to specialists. Of the 13 waivers allocated to specialists, the Department may approve up to 10 waivers under the J-1 visa waiver flex option. Specialists who receive a waiver through the option shall work at a medical facility that is not in an HPSA, MUA or MUP. Physicians shall document that at least 51% of their patients will come from an HPSA, MUA or MUP. Documentation shall include information and data referenced in Section 591.100(a)(5).~~physicians in other specialties. The Department will reserve~~

~~50% of the waivers allocated to primary care physicians for physicians who will serve in rural areas. The Department may grant up to 5 waivers to physicians in other than primary care specialties who will practice at medical facilities that can document that at least 51% of the participating physician's patients come from a HPSA or MUA/P.~~

2) In the second and third ~~and fourth~~ quarters of the federal fiscal year, remaining waivers may be used for primary care, psychiatry~~psychiatrist~~ and specialists~~other specialty waiver applicants,~~ in both rural and urban areas.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.140 Terms of Performance

a) Each six months subsequent to the date of receiving the J-1 waiver from~~by~~ the U.S. Department of Homeland Security, Citizenship and Immigration Service~~Justice~~, the physician~~international medical graduate~~ shall send to the Department ~~of Public Health~~ a written verification of ~~the~~ full-time practice at the medical facility ~~of the international medical graduate~~ in the HPSA, MUA, MUP or other approved location~~health professional shortage area originally identified in the waiver application~~.

b) The Department will consider the physician to be in breach of the waiver obligation when any of the following occur:

1) The physician fails to practice on a full-time basis at the medical facility in the HPSA, MUA, MUP or other approved location;

2) The physician fails to maintain a valid Illinois medical license; or

3) The medical facility terminates the physician's employment for cause.

c~~b~~) The Department will notify the U.S. Department of Homeland Security, Immigration and Customs Enforcement, of the physician's breach of the waiver obligation.~~If at any time the international medical graduate fails to practice on a full-time basis in the approved shortage area, the Department will notify the Immigration and Naturalization Service of the physician's breach of obligation.~~

d) During the physician's employment, the medical facility shall notify the Department in writing of the following:

1) A change in its address, telephone number or fax number;

2) A change of ownership of the facility;

3) A change in financial circumstances that renders the facility unable to financially support the physician;

4) Loss of licensure or accreditation;

5) Termination of its exchange visitor program;

6) Physician's withdrawal from the program; or

7) Physician's employment termination.

(Source: Amended at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.150 Physician Termination

a) A medical facility may terminate employment when the physician:

1) Fails to pursue activities for which he or she was admitted to the U.S.;

2) Is unable to continue in the waiver program;

3) Fails to maintain a valid Illinois medical license; or

4) Engages in unauthorized employment.

b) The medical facility shall notify the Department within 10 calendar days after termination of the physician.

c) Once notification is received from the medical facility, the Department will notify the U.S. Department of Homeland Security, Citizenship and Immigration Service of the physician's breach of obligation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.160 Physician Transfer

a) A physician may transfer from one approved medical facility to another approved medical facility, provided that prior approval is received from the Department. To initiate the transfer request, the following materials shall be submitted to the Department:

1) The physician's most recent I-797A, Notice of Action form from the U.S. Department of Homeland Security, Citizenship and Immigration Services, demonstrating the physician's current visa status;

2) The receiving medical facility's written notification demonstrating that it is willing and able to accept the physician;

3) A statement from the administrator of the receiving medical facility describing prior recruitment difficulties, the expected practice arrangement for the physician, and the impact on the facility and its patients if the transfer is not approved;

4) A copy of the employment contract between the physician and the receiving medical facility (if the physician will be employed at multiple medical facilities, the contract must contain this information for each facility). The contract shall include the following:

A) The name and address of the medical facility;

B) The specific geographic area or areas in which the physician will practice;

C) A statement that:

i) For primary care physicians, the physician will practice full time in a Primary Care HPSA;

ii) For psychiatrists, the physician will practice full time in a Mental Health HPSA;

iii) For specialists, the physician will practice full time in the HPSA, MUA or MUP; or, if the facility is not located in an HPSA, MUA or MUP, documentation that at least 51% of the participating physician's patients come from an HPSA, MUA or MUP (see Section 591.100(a)(5));

D) A statement that any amendments to the contract will adhere to State and federal J-1 visa waiver requirements;

E) A statement that termination of the physician can be only for cause; and

F) A list of benefits and insurance to be provided to the physician;

5) The employment contract cannot include:

A) A non-compete clause; or

B) A liquidated damages clause;

6) A statement from the receiving medical facility that the salary or other form of financial support offered to the physician is equivalent to that offered to all other physicians with equivalent skills and experience recruited by the medical facility; and

7) A letter from the chief medical officer or other high-level executive of a hospital verifying that admitting privileges will be granted and, if not, how admissions of the physician's patients will be arranged.

b) The employment contract with the receiving facility shall be of duration so that the three-year employment requirement is fulfilled.

c) The Department will deny the transfer request if it determines that any of the requirements in subsections (a) and (b) are not fulfilled.

d) The Department will notify the physician and the receiving medical facility in writing if the transfer request is approved or denied.

e) If a physician transfers without prior approval of the Department, the violation will be reported to the U.S. Departments of State and Homeland Security and the Illinois Department of Financial and Professional Regulation. Any violation of this requirement may also adversely affect the receiving medical facility's eligibility for participation in the program (see Section 591.100(b)(7)).

(Source: Added at 38 Ill. Reg. 23048, effective November 21, 2014)

Section 591.170 Completion of Waiver Requirements

a) Within 30 calendar days after the three-year service obligation is complete, the physician shall submit a notice to the Department. The notice shall include:

1) The physician's name;

2) The physician's Department of State number;

3) The physician's I-94 entry and departure number;

4) A current G-28 form (if applicable);

5) The name and address of the medical facility where the physician worked:

6) The physician's beginning and end dates of employment at the medical facility; and

7) A statement from the administrator of the medical facility verifying fulfillment of the employment contract.

b) After reviewing these materials, the Department will send a letter to the physician (or physician's representative) indicating that the service obligation has been fulfilled and that the waiver file is closed.

c) The Department will notify the U.S. Department of Homeland Security, Citizenship and Immigration Service, if the physician does not provide the completion notice within the prescribed time frame.

(Source: Added at 38 Ill. Reg. 23048, effective November 21, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 591.180 National Interest Waiver

A foreign national physician who wishes to initiate the process for permanent residence in the U.S. shall have an approved labor certification and a job offer and his or her employer shall file an Immigrant Petition for Alien Worker form with the U.S. Department of Homeland Security, Citizenship and Immigration Service. In certain circumstances, the labor certification may be waived through the approval of a National Interest Waiver (NIW).

a) To be eligible for an NIW, the physician shall:

1) Agree to work full time in a medical facility for five years. The five-year commitment may occur prior to filing the NIW petition, be ongoing at the time the petition is filed, or commence after the petition is filed (provided that the Department confirms that the work was, is or will be in the public interest). Medical care provided in an HPSA, MUA or MUP that was part of the physician's medical education may be credited toward the five years, provided that the physician was in a lawful status other than J-1 during that time;

2) Agree to work in primary care, psychiatry or other medical specialty;

3) Agree to serve in a medical facility that is located in an HPSA, MUA, or MUP; and

4) Obtain a letter from the Department stating that the physician's work is in the public interest.

b) A request for a letter from the Department regarding the NIW shall contain the following:

1) The physician's full name;

2) The name of the physician's practice;

3) The address of the physician's practice;

4) The physician's specialty;

5) A copy of the physician's H1B waiver or waivers for the date or dates of service;

6) A copy of the physician's Illinois medical license;

7) An affirmation letter from the employer stating that:

A) The physician has provided services as a primary care, psychiatric or specialty physician, full time (40 hours per week) at a clinical practice located in an HPSA, MUA or MUP, including the specific address where services were provided;

B) The practice is in the public interest in Illinois, including information that the physician served underinsured or uninsured patients as evidenced by acceptance of Medicaid and Medicare, and use of a sliding/discount fee scale for those without insurance in the designated underserved area;

8) Contact information for the physician and his or her legal counsel, if the physician is represented.

c) The Department will review all information submitted to determine if responses meet the criteria of this Section. The Department will contact the physician or the physician's representative if additional or clarifying information is needed.

d) The physician or his or her legal representative will be notified in writing of the approval or denial of the NIW request. If the request is approved, the Department will provide an attestation letter notifying the federal authority that the physician will work in an underserved area and that the medical services provided will be in the public interest.

(Source: Added at 38 Ill. Reg. 23048, effective November 21, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Dental Student Grant Code

2) Code Citation: 77 Ill. Adm. Code 592

3)

Section Numbers:	Adopted Action:
592.10	Repealed
592.20	Repealed
592.30	Amendment
592.31	New Section
592.32	New Section
592.33	New Section
592.40	Repealed
592.50	Repealed
592.60	Repealed
592.70	Repealed
592.80	Repealed
592.100	New Section
592.105	New Section
592.110	New Section
592.115	New Section
592.120	New Section
592.125	New Section
592.130	New Section
592.135	New Section
592.140	New Section
592.145	New Section
592.150	New Section
592.155	New Section
592.160	New Section

4) Statutory Authority: Dental Student Grant Act [110 ILCS 925]

5) Effective Date of Rule: November 21, 2014

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

7) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: July 25, 2014, 38 Ill. Reg. 15847

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

11) Differences between Proposed and Final Version: No public comments were received and no changes were made during First Notice.

The following changes were made in response to comments and suggestions of JCAR:

Section 592.30, definition of "United States citizen" – last part of the sentence changed from "U.S. Customs and Immigration Service" to "U.S. Department of Homeland Security, Citizenship and Immigration Service"

Section 592.110(a), this Internet address was added to the following sentence "The Department will post a notice of grant opportunity on its web site: www.idph.state.il.us/fundop.htm"

Section 592.110(a)(2), sentence changed from "Identification, including mailing address and telephone number, of the Department's unit or section that is responsible for the grant program; and" to "Identification, including mailing address and telephone number, of the Department's Center for Rural Health; and"

Section 592.110(b), sentence changed from "Notification to prospective students and the public shall be considered to have been provided by publication on the web site." to "Notification to prospective students and the public shall be considered to have been provided by publication of this notice on the web site."

Section 592.120(d), the first sentence was changed from "If the amount of grant funds available is insufficient to award to each approved applicant the maximum amount of grant funds requested, the Department may divide the funds equally among the qualified applicants; rank order the applicants and prorate the award of funds based on the rank order, or choose another method of allocating the funds" to "If the amount of grant funds available is insufficient to award to each approved applicant the maximum of grant funds requested, the Department shall divide the funds equally among the qualified applicants."

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 592.125(a)(1), after "field of dentistry." add "Underrepresentation will be determined by:
Obtaining the most recent year data available for the number of licensed dentists in Illinois by race/ethnic category, as defined in the term racial minority in Section 592.30. The percentage of dentists will be calculated for each race/ethnic category from this date;

Obtaining the most recent year data available for the population of Illinois by race/ethnic category, as defined in the term racial minority in Section 592.30. the percentage of the population for each race/ethnic category will be calculated from this data;

From the data sets referenced in subsections (a)(1)(A) and (B), a comparison will be made to the percentage of dentists in a particular race/ethnic category to the percentage of that particular race/ethnic category's Illinois population;

From these calculations, the race/ethnic category that has the most underrepresented number of individuals in the field of dentistry in Illinois will receive preference in the awarding of grants;"

Section 592.140(f), change the paragraph from "Any dispute about the terms of performance or repayment shall be governed by the administrative hearing process. The administrative law judge will make the final decision and send it to all parties." to "Any dispute about the terms of performance or repayment shall be governed by the administrative hearing process. The administrative law judge will make the final recommendation to the Director. The Director shall make the final decision to approve or deny the administrative law judge's recommendation. Decision notices will be sent to all parties."

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: Changes are proposed to Part 592 due to amendments to the Dental Student Grant Act. PA 87-665 removed the Act's definition regarding designated shortage area and the requirement that a grant recipient work in a shortage area after graduating from dental school. PA 91-798 repealed the Act's requirement regarding the creation and administration of the Dental student Grant

Advisory Committee. Finally, PA 97-396 amended Section 3.07 of the Act regarding the definition of racial minority.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 592
THE DENTAL STUDENT GRANT CODE~~ACT~~

SUBPART A: GENERAL PROVISIONS

Section
592.10 Applicability (Repealed)
592.20 Authority (Repealed)
592.30 Definitions
592.31 Referenced Materials
592.32 Administrative Hearings
592.33 Freedom of Information
592.40 Advisory Committee (Repealed)
592.50 Eligibility (Repealed)
592.60 Application (Repealed)
592.70 Awarding of Grants (Repealed)
592.80 Terms of Performance (Repealed)

SUBPART B: DENTAL GRANTS

592.100 Eligibility Requirements
592.105 Use of Grant Funds
592.110 Notification
592.115 Application Procedure
592.120 Application Review Process
592.125 Grant Award Process and Grant Agreement
592.130 Student Enrollment and Dental School's Obligation
592.135 Grant Obligation
592.140 Terms of Performance
592.145 Grant Monitoring
592.150 Cooperation with Investigations and Audits
592.155 Suspension or Termination of Grant Agreement or Funding
592.160 Grant Funds Recovery

AUTHORITY: Implementing and authorized by the Dental Student Grant Act [110 ILCS 925].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 4 Ill. Reg. 25, p. 31, effective June 6, 1980; codified at 8 Ill. Reg. 8920; amended at 38 Ill. Reg. 23080, effective November 21, 2014.

SUBPART A: GENERAL PROVISIONS

Section 592.10 Applicability (Repealed)

~~This Part is applicable to the award of grants to students who are Illinois residents, are enrolled or accepted for enrollment in schools of dentistry in Illinois, and who contract to practice dentistry in a designated shortage area in the State.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.20 Authority (Repealed)

~~The authorization for this Part is the Dental Student Grant Act (the Act) (Ill. Rev. Stat. 1981, ch. 144, pars. 1501 et seq.).~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.30 Definitions

~~a)~~ ~~The following terms have meanings ascribed to them in the Act.~~

"Act" means the Dental Student Grant Act.

"Arrears" means an overdue amount that has not been paid.

"Award letter" means the letter to the applicant that states that the applicant is being awarded funding.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Debarment" means an action by the Department to prevent a grantee from receiving any additional Department grants.

"Dental school" means a school in Illinois that teaches dentistry to prospective dentists.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act. For purposes of the *Act* and this Part, *"dentist" does not include persons licensed as specialists.*~~"Dentist" is defined in~~ (Section 3.05 of the Act)~~.~~

"Department" means the Illinois Department of Public Health. (Section 3.01 of the Act)~~.~~

~~"Designated shortage area" is defined in Section 3.04 of the Act and is based upon the ratio of population to practicing dentists and the number of special population groups not being served.~~

"Director" means the Director of the Department of ~~*the Department of*~~ *Public Health*. (Section 3.02 of the Act)~~.~~

"Eligible dental student" means a person who is an applicant for a dental student grant and *who meets all of the following qualifications:*

That the individual is a resident of this State and a citizen or lawful permanent resident alien of the United States;

That the individual has been accepted in a dental school located in Illinois;

That the individual exhibits financial need as determined by the Department;

That the individual has earned an educational diploma at an institution of education located in this State or has been a resident of the State for no less than 3 years prior to applying for the grant;

That the individual is a member of a racial minority as defined in this Section*; and*

That the individual meets other qualifications which shall be established by the Department. (Section 3.06 of the Act)

~~"Eligible dental student" is defined in Section 3.06 of the Act.~~

"Funding period" or Grant Agreement period" means the time during which grant funds are to be expended by grantees.

"Good academic standing" means that a student is matriculating with the rest of his or her class as determined by the student's dental school.

"Grant" means an award of assistance, whether financial or otherwise, by the Department to any eligible person or entity to support a program authorized by law. The term does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the Department, whether in the form of goods or services.

"Grant Agreement" means the written instrument defining a legal relationship entered into between the Department and a grantee.

"Grant amendment" means a modification to the grant agreement submitted prior to the end of the grant agreement requesting a change to the original grant agreement, including, but not limited to, the grant amount awarded, a change in scope of work, or an extension of the end date of the grant.

"Grant funds" means *public funds dispensed* by the Department *to any person or entity for obligation, expenditure or use for a specific purpose.* (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Grantee" means the person or entity which may use grant funds in accordance with a Grant Agreement with the Department. (See Section 2 of the Illinois Grant Funds Recovery Act.)

"Illinois resident" means a person who has been a resident of Illinois for at least three years prior to applying for a dental student grant and is a citizen or lawful permanent resident of the United States. (See Section 3.06(d) of the Act.)

"Lawful permanent resident" means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and has lawfully recorded permanent residence as an immigrant.

"Legal residence" means where an individual has his or her permanent home or principal establishment and where, whenever he or she is absent, he or she intends to return.

"Naturalized citizen" means an individual who has acquired citizenship in the United States but was not a citizen at the time of birth.

"Racial minority" means a person who is any of the following:

American Indian or Alaska Native (a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment).

Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).

Black or African American (a person having origins in any of the black racial groups of Africa).

Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race).

Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. (Section 3.07 of the Act)

"Reasonable educational expenses" means costs for education, including fees, books, supplies, clinical travel, educational equipment, materials, and board, certification or licensing examinations. These costs cannot exceed the estimated standard budget for expenses for the student's dental school and for the years of enrollment.

"Reasonable living expenses" means room and board, transportation and commuting costs. These expenses cannot exceed the estimated standard budget for the student's dental school.

"Suspension" means an action by the Department to suspend a grantee's participation in Department grant programs for a specified period of time.

"United States citizen" means an individual born in the United States, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, American Samoa, or Swain's Island; foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status by the U.S. Department of Homeland Security, Citizenship and Immigration Service.

~~b) The term "grant" as used in this Part shall include all monies for tuition, fees and monthly living stipends awarded to a dental student.~~

~~c) The term "Illinois resident" as used in this Part requires students or their parents to have resided in Illinois for at least twelve (12) consecutive months prior to September 1 of the year for which application is made for a Dental Student Grant.~~

~~1) If the student is claimed by the parents as a tax dependent, the parent's length of Illinois residence may be used to determine the student's resident status.~~

~~2) If the student is independent of the family and not claimed as a tax dependent, then the student must have resided in Illinois in a capacity other than as a student for at least twelve (12) consecutive months prior to September 1 of the year for which application is made for a Dental Student Grant.~~

(Source: Amended at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.31 Referenced Materials

The following materials are referenced in this Part:

a) Illinois Statutes:

1) Dental Student Grant Act [110 ILCS 925]

2) Illinois Dental Practice Act [225 ILCS 25]

3) Illinois Grant Funds Recovery Act [30 ILCS 705]

4) Administrative Review Law [735 ILCS 5/Art. III]

5) Freedom of Information Act [5 ILCS 140]

b) Illinois Administrative Rule: Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.32 Administrative Hearings

Administrative hearings conducted concerning the provisions of this Part shall be governed by the Department's Practice and Procedure in Administrative Hearings.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.33 Freedom of Information

The provisions of the Freedom of Information Act shall apply to this Part.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.40 Advisory Committee (Repealed)

~~a) Membership of the Advisory Committee shall include two Illinois licensed, practicing dentists, two members of the general public, and one dean of an Illinois dental school, all of whom shall be capable of advising the Director in the administration of this Act.~~

~~b) Responsibilities of the Advisory Committee shall include:~~

~~1) consultation with the Director or designated personnel on general policy and program procedural matters;~~

~~2) review of grant applications from dental students;~~

~~3) consultation with the Director or designated personnel on determination and updating of designated shortage areas.~~

~~c) Advisory Committee meetings shall be at the discretion of the Director but not less than once a year.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.50 Eligibility (Repealed)

~~a) Any student who is an Illinois resident, is enrolled or accepted for enrollment in an Illinois dental school, is certified by the school as being eligible to receive financial aid, and who contracts to practice dentistry in a designated shortage area within the State shall be eligible for a grant.~~

~~b) No student is eligible to receive funds from the Department and from another scholarship or loan program requiring a service commitment.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.60 Application (Repealed)

~~Application shall be made through the financial aids office of the dental school on forms prescribed by the Department.~~

~~a) Applicants shall complete necessary financial needs analysis forms used by the applicant's dental school.~~

~~b) The Department shall rank order the applicants, based upon their expected contribution to their educational expenses as determined by the financial needs analysis.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.70 Awarding of Grants (Repealed)

~~Grants will be awarded to eligible students selected by the Department who agree to the provisions of this Part. In determining which students will receive grants, the Department shall consider the following:~~

~~a) whether or not the student resides in a designated shortage area and shows *an interest in establishing a permanent dental practice in such an area;*~~

~~b) financial need as certified by his/her dental school and evidenced by a copy of the student's financial needs analysis;~~

~~c) the interest shown by the student in establishing a practice in general dentistry;~~

~~d) recommendations from dental school officials regarding the student;~~

~~e) the period of time remaining before the student's graduation from dental school;~~

~~f) the student's preference as to the location in which he or she desires to establish a dental practice.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.80 Terms of Performance (Repealed)

~~a) Each student shall sign a written contract agreeing to the provisions of this Part. The contract may contain additional terms and conditions to ensure compliance with the Dental Student Grant Act and enforcement of the contract.~~

~~b) Students who fail to complete their dental studies due to academic failure shall be discharged from all obligations of this Part.~~

~~c) Students who fail to complete their dental studies due to voluntary actions on their part shall repay the amount of monies spent by the Department for their dental education as provided by the Act. Repayment shall be made in such a manner as agreed to by the student and Department in the student's contract.~~

~~d) Grant recipients shall be required to complete at the first opportunity Illinois dental licensing examinations or the North East Regional Board examination.~~

~~e) In the event the grant recipient cannot meet Illinois dental licensure requirements,~~

~~he/she shall repay the amount of monies spent by the Department for their dental education as provided by the Act. Repayment shall be made in such a manner as agreed to by the student and Department in the student's contract.~~

~~f)~~ ~~Upon the Illinois licensure of the student to practice dentistry, the student shall serve as a general practice dentist in a designated shortage area in the State. The term of this service shall be as provided in the Dental Student Grant Act as now or hereafter amended.~~

~~g)~~ ~~Service as a dentist shall begin within one hundred and eighty (180) days of the Illinois licensure of the student to practice dentistry.~~

~~h)~~ ~~A grant recipient who becomes an Illinois licensed dentist and fails to practice dentistry in designated shortage areas shall be required to repay the Department three times the annual grant award for each obligated year they fail to practice in such areas. Repayment shall be made in such a manner as agreed to by the student and the Department in the student's contract.~~

~~i)~~ ~~If the student becomes disabled or, for reasons beyond his or her control, it becomes impossible for the student to perform the obligations set forth in this Part, these obligations shall be suspended until such time as the student is able to resume his or her obligations.~~

~~j)~~ ~~Grant recipients who do not take the Illinois dental licensing examination or the North East Regional Board examination, and do not become licensed to practice dentistry in Illinois within nine (9) months of their graduation from an Illinois dental school shall be required to repay the Department three times the amount of grant monies awarded to them. Repayment shall be made in such a manner as agreed to by the student and Department in the student's contract.~~

(Source: Repealed at 38 Ill. Reg. 23080, effective November 21, 2014)

SUBPART B: DENTAL GRANTS

Section 592.100 Eligibility Requirements

a) To apply for a dental student grant, an applicant shall meet the requirements listed in the definition of eligible dental student (see Section 592.30).

b) Applications will not be approved if one or more of the following exist:

1) Default on a prior service obligation to the federal, State or local government, or other entity, even if the applicant has satisfied the obligation through service, monetary payment or other means;

2) Default on any federal payment obligation, federal income tax liability, federally guaranteed/insured loans or non-federal payment obligation;

3) Default on any State payment obligation or State income tax liability; or

4) Write-off of any federal or non-federal debt as uncollectible or waiver of any federal service or payment obligation.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.105 Use of Grant Funds

a) Grant funds can be used to pay for reasonable educational expenses at an Illinois dental school and for reasonable living expenses.

b) Grant funds shall be expended only while the student is enrolled and in good academic standing at a dental school in Illinois.

c) Grant funds shall not be awarded for expenses incurred when the student must repeat an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level, as determined by the student's dental school.

d) Grant funds shall be provided to the student's dental school for tuition and fees. All funds for tuition and fees shall be expended only on the dental student's behalf.

e) Grant funds for living expenses shall be provided directly to the dental student.

f) Grant funds shall not be awarded to any dental student for more than four years.

g) Grant funds shall not be awarded if the student is in arrears on tuition payments to the dental school.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.110 Notification

a) The Department will post a notice of grant opportunity on its web site (www.idph.state.il.us/fundop.htm). The notice will consist of at least the following elements:

1) Identification of the grant opportunity, including a brief description of the program and the date that applications can be submitted to the Department;

2) Identification, including mailing address and telephone number, of the Department's Center for Rural Health; and

3) Information regarding where the application can be obtained.

b) Notification to prospective students and the public shall be considered to have been provided by publication of this notice on the web site.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.115 Application Procedure

a) *Any person desiring to receive grant funds must submit a grant application to the* Department. *Applications for grant funds shall be made on prescribed forms developed by the* Department. (Section 4(a) of the Illinois Grant Funds Recovery Act)

b) Applicants shall complete necessary financial need analysis forms used by the applicant's dental school. These forms shall be appended to the Department's grant application.

c) Completed applications shall be returned to the Department at the address indicated on the grant application form. All applications shall be submitted on the forms provided by the Department and *shall include, without being limited to, the following provisions:*

1) *The name and address of the applicant* (Section 4(a)(1) of the Illinois Grant Funds Recovery Act);

2) The Legislative House District, Legislative Senate District, and Congressional District (based on the applicant's legal residence in Illinois);

3) Social Security number of the applicant;

4) *A general description of the program, project, or use for which grant funding is requested* (Section 4(a)(2) of the Illinois Grant Funds Recovery Act);

5) *Such plans, equipment lists, and other documents as may be required to show the type, structure, and general character of the program, project, or use for which grant funding is requested* (Section 4(a)(3) of the Illinois Grant Funds Recovery Act);

6) *Cost estimates of developing, constructing, operating, or completing the program, project, or use for which grant funding is requested* (Section 4(a)(4) of the Illinois Grant Funds Recovery Act);

7) *A program of proposed expenditures for the grant funds* (Section 4(a)(5) of the Illinois Grant Funds Recovery Act);

8) Documentation from the dental school demonstrating the applicant's financial need;

9) Proof of citizenship, including a copy of the applicant's notarized birth certificate or a copy of the applicant's documents demonstrating that he or she is a naturalized citizen or documentation that the applicant is a lawful permanent resident;

10) Proof of enrollment in an Illinois dental school, including a copy of the applicant's admission acceptance letter.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.120 Application Review Process

a) The Department will accept applications for grant awards during the period specified in the notification posted pursuant to Section 592.110(a)(1).

b) The Department will perform a technical review to ensure that all required materials (as listed in Section 592.115) are submitted and comply with submission requirements. The review will include whether the application form includes all required information and the applicant's signature and date of signature.

c) An application will be incomplete if the Department's technical review determines that required information and materials are not present or if additional information or documentation is required to clarify a response. If the application is incomplete, the Department will notify the applicant in writing. The applicant shall have 30 calendar days (from the date of the Department's notification) to provide all necessary information to complete the application. Upon receipt of all additional information requested, the Department will review the application for completeness and notify the applicant of its decision. If the Department determines that the application remains incomplete, the application will be null and void.

d) If the amount of grant funds available is insufficient to award to each approved applicant the maximum amount of grant funds requested, the Department shall divide the funds equally among the qualified applicants. In determining how to award grant funds, the Department will consider, but is not limited to, the amount of funds available, the number of approved applicants, and the requirements of the grant program as set forth in the Act and this Part.

e) Applications received after the published deadline for submission in the notification will not be considered in the selection process.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.125 Grant Award Process and Grant Agreement

a) Once all qualifying applications are received and complete, the Department will use the following to determine the distribution of grants:

1) *Preference shall be given to those individuals who come from racial minorities which traditionally have been most underrepresented in the field of dentistry*. Underrepresentation will be determined by:

A) Obtaining the most recent year data available for the number of licensed dentists in Illinois by race/ethnic category, as defined in the term racial minority in Section 592.30. The percentage of dentists will be calculated for each race/ethnic category from this data;

B) Obtaining the most recent year data available for the population of Illinois by race/ethnic category, as defined in the term racial minority in Section 592.30. The percentage of the population for each race/ethnic category will be calculated from this data;

C) From the data sets referenced in subsections (a)(1)(A) and (B), a comparison will be made to the percentage of dentists in a particular race/ethnic category to the percentage of that particular race/ethnic category's Illinois population;

D) From these calculations, the race/ethnic category that has the most underrepresented number of individuals in the field of dentistry in Illinois will receive preference in the awarding of grants;

2) *Preference shall be given to those individuals whose financial resources are such that, in the absence of a dental student grant, the individual will be prevented from pursuing a dental degree;*

3) *Preference shall be given to those individuals who express an intent to teach or practice dentistry in the State of Illinois* (Section 4.03a of the Act);

4) Financial need as certified by the applicant's dental school;

5) Recommendations from officials at the applicant's dental school regarding the student; and

6) Greater number of years of dental school remaining.

b) Applicants will be notified of their status by means of an award letter or other communication. The notice will contain information concerning the amount of

the grant award, the dates of the Grant Agreement, and that distribution of grant funds is dependent on available funding.

c) Grant funds will be awarded in amounts and at time intervals specified in the Grant Agreement.

d) The Grant Agreement will be executed between the applicant and the Department.

e) An award to an applicant will not be final until the applicant and the Department have executed a Grant Agreement setting forth the terms and conditions of the grant, using the form prescribed by the Department. The Department will retract the award of a grant if an agreement cannot be reached on the terms of the Grant Agreement.

f) Pursuant to the Illinois Grant Funds Recovery Act, the Grant Agreement shall, at a minimum:

1) *Describe the purpose of the grant and be signed by the* Department *and all grantees of the grant;*

2) *Specify how payments shall be made, what constitutes permissible expenditure of the grant funds, and the financial controls applicable to the grant, including, for those grants in excess of $25,000, the filing of quarterly reports describing the progress of the program, project, or use and the expenditure of the grant funds related thereto;*

3) *Specify the period of time for which the grant is valid and the period of time during which grant funds may be expended by the grantee;*

4) *Contain a provision that any grantees receiving grant funds are required to permit the* Department, *the Auditor General or the Attorney General to inspect and audit any books, records or papers related to the program, project, or use for which grant funds are provided;*

5) *Contain a provision that all grant funds remaining at the end of the Grant Agreement or at the expiration of the period of time grant funds are available for expenditure or obligation by the grantee shall be returned to the State within 45 days; and*

6) *Contain a provision in which the grantee certifies under oath that all information in the Grant Agreement is true and correct to the best of the grantee's knowledge, information and belief; that all funds shall be used only for the purposes described in the Grant Agreement; and that the award of grant funds is conditioned upon such certification.* (Section 4(b) of the Illinois Grant Funds Recovery Act)

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.130 Student Enrollment and Dental School's Obligation

a) The Department will disburse available grant funds to the dental school directly for the payment of tuition and other necessary fees. After the dental school receives the grant funds, it shall provide facilities and instruction to the student on the same terms as to other students.

b) A dental school shall provide written notice to the Department if any grantee who is enrolled in the dental school ceases to be a student in good academic standing. The notice shall be sent to the Department within 10 business days after the dental school determines that the student ceases to be in good standing.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.135 Grant Obligation

a) *Grant funds may not be used except pursuant to a written Grant Agreement* between the grantee and the Department. (Section 4 of the Illinois Grant Funds Recovery Act)

b) Grant funds shall be used only for reasonable educational expenses and reasonable living expenses of the student.

c) The Department may grant a suspension or waiver of the recipient's requirements in the Grant Agreement.

1) A suspension temporarily relieves the recipient of the requirements in the Grant Agreement but will not permanently alleviate the recipient's obligation.

A) A suspension may be granted for up to one year if the recipient provides independent medical documentation of a physical or mental health disability or personal circumstance that results in the recipient's temporary inability to fulfill the requirements in the Grant Agreement. Independent medical documentation shall include a letter from the recipient's licensed physician fully explaining and attesting to the recipient's temporary inability to fulfill the agreement's requirements.

B) Recipients who are military reservists and are called to active duty will be granted a suspension beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for suspension. The duration of the suspension shall equal the recipient's period of active military duty.

2) A waiver permanently relieves the recipient of all the requirements in the Grant Agreement. Waiver requests shall be submitted in writing to the Department. The request shall detail the reasons for the waiver request and shall be accompanied and supported by documentation described in this subsection (c)(2).

A) Reasons for a waiver request can include the recipient's:

i) Total and permanent disability;

ii) Incompetency; or

iii) Death.

B) If a waiver is requested because of total and permanent disability, the request shall be supported by a letter from the recipient's physician fully explaining and attesting to the recipient's inability to continue with dental school.

i) If the request is approved, the Department will notify the recipient in writing that the requirements of the grant agreement are waived, that the recipient is discharged from all obligations to the Department in connection with this

Part and that the recipient is ineligible to participate in the program in the future.

ii) If the request is denied, the recipient shall fulfill the requirements stipulated in the Grant Agreement and this Part.

C) If the waiver is requested because the recipient has been adjudicated as incompetent, the request shall be supported by documentation by a court of law fully explaining and attesting to the recipient's inability to continue with the requirements of the Grant Agreement.

i) If the request is approved, the Department will notify the recipient in writing that the requirements in the Grant Agreement are waived, that the recipient is discharged from all obligations to the Department in connection with this Part, and that the recipient is ineligible to participate in the program in the future.

ii) If the request is denied, the recipient shall fulfill the requirements stipulated in the Grant Agreement and this Part.

D) If the waiver is requested because of the recipient's death, the request shall be supported by a copy of the recipient's death certificate.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.140 Terms of Performance

a) If the Grant Agreement is breached, repayment shall be made as agreed to by the grantee and the Department in the Grant Agreement and in accordance with the applicable provisions of this Section.

b) A breach of the Grant Agreement shall include, but not be limited to:

1) Making any material misstatement in reporting information to the Department;

2) Making any material misrepresentation to the Department for the purpose of obtaining a grant;

3) Failure for any reason to complete dental school; and

4) Failure to become a licensed dentist in Illinois.

c) When the Department has determined that a breach of the Grant Agreement has occurred, it shall notify the recipient and schedule an administrative hearing. The administrative hearing will identify the item or items breached in the Grant Agreement, propose a resolution to address the agreement's breach, and propose a repayment process to the Department.

d) When the administrative hearing process determines that the Grant Agreement has not been fulfilled, the Department and grantee shall enter into a contract for the repayment of the obligation.

e) To fulfill the repayment requirements of this Section, the grantee shall have 30 calendar days after the conclusion of the administrative hearing to enter into a repayment contract with the Department.

f) Any dispute about the terms of performance or repayment shall be governed by the administrative hearing process. The administrative law judge will make the final recommendation to the Director. The Director shall make the final decision to approve or deny the administrative law judge's recommendation. Decision notices will be sent to all parties.

g) If the grantee does not repay all funds owed to the Department within the required time period, the Department may use all collection methods available, including referral to the Illinois Attorney General or a collection agency.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.145 Grant Monitoring

a) Grants will be monitored throughout the grant period. Components in the monitoring process include, but are not limited to, the grant application; the Grant Agreement; correspondence, e-mails and telephone calls concerning the grant; and site visits.

b) The grantee shall cooperate with the Department's efforts to monitor and verify the grantee's compliance with the Act and this Part and the Grant Agreement, including providing supporting documentation. Grantees shall retain records relating to the grant until after final reports have been submitted to the Department and have been reviewed.

c) Grantees shall cooperate with the Department to maintain compliance with the Grant Agreement and notify the Department of any breaches of the Grant Agreement or problems or concerns.

d) Grantees shall be subject to on-site visits by the Department during normal business hours at the dental school. Grantees shall provide, upon request, copies of all documents concerning the expenditure of grant funds.

e) The Department will relay any questions and concerns regarding management of grant funds to the grantee in writing. The grantee will be requested to respond in writing addressing the concerns.

f) If the Departments finds evidence of financial mismanagement, depending on the severity of the situation, the amount of money involved, and the grantee's ability to clarify the situation, the Department may either place the grantee on a corrective action plan and hold the processing of vouchers until the issue is resolved, or terminate the grant and take any appropriate or necessary action to recover grant funds under applicable law.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.150 Cooperation with Investigations and Audits

Grantees shall cooperate with all investigations and audits of a grantee's use of grant funds. A failure to cooperate shall create a presumption that grant funds have not been spent in accordance with the Grant Agreement and be grounds for immediate suspension or termination of any Grant Agreement and the recovery of grant funds.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.155 Suspension or Termination of Grant Agreement or Funding

a) Availability of Appropriation or Sufficiency of Funds

1) A grant is contingent upon and subject to the availability of funds. The Department may terminate or suspend the grant, in whole or in part, without penalty or further payment being required, if:

A) The Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay the obligation, or if funds needed are insufficient for any reason;

B) The Governor decreases the Department's funding by reserving some or all of the Department's appropriations pursuant to power delegated to the Governor by the Illinois General Assembly; or

C) The Department or the Governor determines that a reduction is necessary or advisable based upon actual or projected budgetary considerations.

2) The grantee will be notified in writing of the lack of appropriation or a reduction or decrease.

b) Termination for Cause

1) The Department may immediately terminate the Grant Agreement, in whole or in part, upon notice to the grantee if:

A) The grantee is convicted of committing any illegal act;

B) The Department determines that the actions or inactions of the grantee have caused, or reasonably could cause, jeopardy to health, safety or property;

C) The Department has notified the grantee that the Department is unable or unwilling to perform the Grant Agreement; or

D) The Department has reasonable cause to believe that the grantee cannot lawfully perform the Grant Agreement.

2) If the grantee breaches any material term, condition or provision of the Grant Agreement, the Department may cancel the Grant Agreement upon 15 days prior written notice to the grantee. For termination for any of the causes contained in this Section, the Department retains its right to seek any available legal or equitable remedies and damages.

c) Termination for Convenience
The Department may, for its convenience and with 30 days prior written notice to the grantee, terminate the Grant Agreement in whole or in part and without payment of any penalty or incurring any further obligation to the grantee.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

Section 592.160 Grant Funds Recovery

a) Grants made under this Part are subject to the Illinois Grant Funds Recovery Act. If a provision of this Part conflicts with a provision of the Illinois Grant Funds Recovery Act, the provision of the Illinois Grant Funds Recovery Act will control.

b) The Department shall have the authority to issue subpoenas as part of an official investigation into the use of grant funds. Subpoenas shall be issued and enforced according to Illinois Supreme Court Rules and the Code of Civil Procedure.

c) Every grantee shall keep complete and accurate accounting records of all grant funds that the grantee receives, administers, oversees or expends. A grant recipient's failure to create and maintain accounting records that demonstrate the grant recipient's receipt, administration, oversight, expenditure or use of all grant funds shall create a presumption in favor of recovery by the Department.

d) Whenever the Department believes that grant funds are subject to recovery, the Department shall provide the grantee the opportunity for at least one informal hearing to determine the facts and issues and to resolve any conflicts as amicably as possible before taking any formal recovery actions. (Section 7 of the Illinois Grant Funds Recovery Act)

e) The offer of an informal hearing will be in writing and will provide the grantee with no fewer than 10 calendar days in which to request an informal hearing. A grantee's failure to deliver a timely request for an informal hearing shall constitute the grantee's waiver of the informal hearing. During any informal hearing, the grantee may be represented by a licensed attorney.

f) If, after an informal hearing or, if no timely request for an informal hearing is received, the Department determines that any grant funds are to be recovered, the Department will provide the grantee with formal written notice of its intent to recover grant funds. The notice will identify the funds and the amount to be recovered and the specific facts that permit recovery.

g) A grantee shall have 35 days from the receipt of the notice required in subsection (f) to request a hearing to show why recovery is not proper.

h) If a grantee timely requests a hearing, the Department will hold a formal hearing in accordance with Practice and Procedure in Administrative Hearings, at which the grantee may present evidence and witnesses to show why recovery should not occur. After the conclusion of the hearing, if recovery is warranted, the Department will issue a written final recovery order and send a copy of the order to the grantee by Certified US Mail.

i) A grantee may seek judicial review in the circuit court of any Department final recovery order, pursuant to the Administrative Review Law.

j) If a grantee timely requests a formal hearing, the Department will not take any action of recovery until at least 35 days after a final recovery order has been issued.

k) If a grantee does not timely request a hearing, the Department may proceed with recovery of the grant funds identified in the notice issued pursuant to this Section, at any time after the expiration of the 35-day request period.

l) Any notice or mailing required or permitted by this Section shall be deemed received five days after the notice or mailing is deposited in the US mail, with the grantee's current business address and with sufficient US postage affixed, or the date of actual delivery, whichever is sooner.

m) During any formal hearing, the grantee may be represented by a licensed attorney.

(Source: Added at 38 Ill. Reg. 23080, effective November 21, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Food Service Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 750

3)

Section Numbers:	Adopted Action:
750.5	Amendment
750.10	Amendment
750.570	New Section
750.3400	New Section
750.3410	New Section
750.3420	New Section
750.3430	New Section

4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Food Handling Regulation Enforcement Act [410 ILCS 625], and Sanitary Food Preparation Act [410 ILCS 650]

5) Effective Date of Rule: November 20, 2014

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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: 38 Ill. Reg. 10822; May 23, 2014

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

11) Differences between Proposed and Final Version: The following changes were made during the first notice period to reflect amendments to Part 750 that were adopted effective May 21, 2014 (38 Ill. Reg. 11775)

In the Table of Contents for Section 750.560, "Certificate" was stricken and "Certification and Recertification" was added.

In the Table of Contents for SOURCE: "amended at 38 Ill. Reg. 11775, effective May 21, 2014;" was added.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 750.5(a)(17), "Illinois" was stricken.

In Section 750.5(a)(18), "Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)" was added.

In Section 750.5(a)(19), "Food Service Sanitation Code (77 Ill. Adm. Code 750)" was added.

In Section 750.5(a)(20), "Meat and Poultry Act (8 Ill. Reg. 125)" was added.

In Section 750.5(b)(4),

"4) "Approved Drug Products with Therapeutic Equivalence Evaluations", prepared by the Center for Drug and Evaluation and Research, U.S. Food and Drug Administration (available online at http://www.fda.gov/cder.ob/default/htm)." was deleted and

"4) Conference for Food Protection – 'Standards for Accreditation of Food Protection Manager Certification Programs' (April 2012) (available online at http://www.foodprotect.org/media/managercert/CFP%20FPMC%20April%202012%20Standards.pdf)." was added.

Section 750.5(b)(5) was deleted.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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 an emergency rule currently in effect? No

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

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
750.10	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.555	New Section	August 8, 2014; 38 Ill. Reg. 16682

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.1810	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1812	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1814	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1815	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1820	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1830	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1831	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1835	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1836	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1837	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1850	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1855	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1860	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1861	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1862	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1865	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1868	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1870	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1876	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1880	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.1890	Amendment	August 8, 2014; 38 Ill. Reg. 16682
750.1895	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.APPENDIX B	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.APPENDIX C	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.APPENDIX D	Repeal	August 8, 2014; 38 Ill. Reg. 16682
750.APPENDIX E	Repeal	August 8, 2014; 38 Ill. Reg. 16682

15) Summary and Purpose of Rulemaking: As currently written, this Part is in conflict with the Food Handling Regulation Enforcement Act, which was recently amended by PA 98-566 require food handler training or any food handler working in a retail food establishment. This rulemaking will add definitions, course content, course approval, and requirements for food handler training.

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section
750.5 Incorporated and Referenced Materials
750.10 Definitions
750.20 Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section
750.100 General
750.110 Special Requirements
750.120 General – Food Protection
750.130 General – Food Storage
750.140 Refrigerated Storage
750.150 Hot Storage
750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking
750.152 Ready-to-Eat Potentially Hazardous Food, Disposition
750.153 Time as a Public Health Control
750.155 Damaged Food Containers
750.160 General – Food Preparation
750.170 Raw Fruits and Raw Vegetables
750.180 Cooking Potentially Hazardous Foods
750.185 Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
750.188 Plant Food Cooking for Hot Holding
750.189 Microwave Cooking

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.190 Dry Milk and Dry Milk Products
750.200 Liquid, Frozen, Dry Eggs and Egg Products
750.208 Preparation for Immediate Service
750.210 Reheating for Hot Holding
750.220 Nondairy Products
750.230 Product Thermometers
750.240 Thawing Potentially Hazardous Foods
750.250 Food Display and Service of Potentially Hazardous Food
750.260 Display Equipment
750.270 Reuse of Tableware
750.280 Dispensing Utensils
750.290 Ice Dispensing
750.300 Condiment Dispensing
750.310 Milk and Cream Dispensing
750.320 Re-Service
750.325 Special Requirements for Highly Susceptible Populations
750.330 General – Food Transportation
750.340 Public Health Protection
750.350 Preventing Health Hazards, Provision for Conditions Not Addressed
750.360 Variances
750.370 Justification for and Documentation of Proposed Variance

SUBPART C: PERSONNEL

Section
750.500 General – Employee Health
750.510 General – Personal Cleanliness
750.512 When to Wash Hands
750.514 Where to Wash Hands
750.516 Hand Antiseptics
750.520 General – Clothing
750.530 General – Employee Practices
750.540 Management Sanitation Training and Certification
750.550 Management Sanitation Certification Examination (Repealed)
750.551 Certification and Recertification Issuance
750.560 Certificate Revocation or Suspension
750.570 Food Handler Training

SUBPART D: EQUIPMENT AND UTENSILS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
750.600 General – Materials
750.610 Solder
750.620 Wood
750.630 Plastics
750.640 Mollusk and Crustacea Shells
750.650 General – Design and Fabrication
750.660 Accessibility
750.670 In-Place Cleaning
750.680 Thermometers
750.690 Non-Food-Contact Surfaces
750.700 Ventilation Hoods
750.710 General – Equipment Installation and Location
750.720 Table-Mounted Equipment
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750.740 Floor-Mounted Equipment
750.750 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

Section
750.800 Cleaning Frequency
750.810 Wiping Cloths
750.820 Manual Cleaning and Sanitizing
750.830 Mechanical Cleaning and Sanitizing
750.840 Drying
750.850 Equipment, Utensil, and Tableware Handling
750.860 Equipment, Utensil, and Tableware Storage
750.870 Pre-Set Tableware
750.880 Single-Service Articles
750.890 Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section
750.1000 General – Water Supply
750.1010 Transportation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.1020 Bottled Water
750.1030 Water Under Pressure
750.1040 Steam
750.1050 General – Sewage Disposal
750.1060 General – Plumbing
750.1070 Nonpotable System
750.1080 Backflow
750.1090 Grease Traps
750.1100 Drains
750.1110 General – Toilet Facilities
750.1120 General – Lavatory Facilities
750.1130 Containers – Garbage and Refuse
750.1140 Garbage and Refuse Storage
750.1150 Disposal of Garbage and Rubbish
750.1160 General – Insect and Rodent Control
750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Section
750.1200 General – Floors
750.1210 General – Walls and Ceilings
750.1220 General – Cleaning Physical Facilities
750.1230 General – Lighting
750.1240 Protective Light Shielding
750.1250 General – Ventilation
750.1260 Special Ventilation
750.1270 Dressing Areas
750.1280 Lockers
750.1290 Poisonous or Toxic Materials Permitted
750.1300 Labeling of Poisonous or Toxic Materials
750.1310 Storage of Poisonous or Toxic Materials
750.1320 Use of Poisonous or Toxic Materials
750.1330 Personal Medications
750.1340 First-Aid Supplies
750.1350 General – Premises
750.1360 Living Areas
750.1370 Laundry Facilities

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.1380 Linens and Clothes Storage
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SUBPART H: MOBILE FOOD SERVICE

Section
750.1500 General – Mobile Food Units
750.1510 Restricted Operation
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SUBPART I: TEMPORARY FOOD SERVICE

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750.1600 General – Temporary Food Service Establishments
750.1610 Restricted Operations
750.1620 Ice
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750.1640 Water
750.1650 Wet Storage
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750.1690 Walls and Ceilings of Food Preparation Areas
750.1700 Single-Service Articles

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

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750.1800 General
750.1810 Instructor Approval
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750.1820 Course Content
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.1831 Alternative Methods of Training
750.1835 Make Up Work
750.1836 Home Study
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750.1880 Retake Examination
750.1890 Certificates
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SUBPART K: REDUCED OXYGEN PACKAGING

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750.2010 Acceptable Products
750.2020 Employee Training
750.2030 Refrigeration Requirements
750.2031 Labeling – Refrigeration Statements
750.2032 Labeling – "Use By" Dates
750.2040 Safety Barriers
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750.2042 Safety Barrier Verification
750.2050 Hazard Analysis Critical Control Point (HACCP) Program
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750.2070 Disposition of Expired Product
750.2080 Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000 Exceptions
750.3100 Meat and Poultry Labeling
750.3200 Smoked Meat, Poultry and Other Food Products
750.3300 Curing of Meat and Poultry

SUBPART M: FOOD HANDLER TRAINING

Section
750.3400 General Requirements
750.3410 Course Content
750.3420 Course Approval
750.3430 Requirements for Food Handlers

750.APPENDIX A Retail Food Sanitary Inspection Report
750.APPENDIX B Examination Date Notification Form
750.APPENDIX C Class Enrollment Form
750.APPENDIX D Permission to Retake Certification Examination Form
750.APPENDIX E Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21], Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. 11775, effective May 21, 2014; amended at 38 Ill. Reg. 23109, effective November 20, 2014.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

a) The following materials are referenced in this Part:

1) Alternative Health Care Delivery Act [210 ILCS 3]

2) Nursing Home Care Act [210 ILCS 45]

3) Good Samaritan Food Donor Act [745 ILCS 50]

4) Hospital Licensing Act [210 ILCS 85]

5) Federal Food, Drug, and Cosmetic Act (21 USC 301)

6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

8) Meat and Poultry Inspection Act [225 ILCS 650]

9) Sanitary Food Preparation Act [410 ILCS 650]

10) Freedom of Information Act [5 ILCS 140]

11~~10~~) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

12~~11~~) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code (77 Ill. Adm. Code 725)

13~~12~~) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)

14~~13~~) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

15~~14~~) Drinking Water Systems Code (77 Ill. Adm. Code 900)

16~~15~~) Private Sewage Disposal Code (77 Ill. Adm. Code 905)

17~~16~~) Water Well Construction Code (77 Ill. Adm. Code 920)

18)~~17)~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

19)~~18)~~ Food Service Sanitation Code (77 Ill. Adm. Code 750)

20)~~19)~~ Meat and Poultry Act (8 Ill. Adm. Code 125)

b) The following materials are incorporated in this Part:

1) Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, Association of Official Analytical Chemists (2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.

2) Standard Methods for the Examination of Dairy Products, 17th Edition, American Public Health Association (2004), 8001 I Street, Washington, D.C. 20001-3710.

3) The following Federal Regulations, Office of the Federal Register, National Archives and Records Administration (2005), U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401.

A) 9 CFR 1: Animals and Animal Products; Animal Welfare, Definition of Terms;

B) 9 CFR 301: Animals and Animal Products; Mandatory Meat Inspection, Definitions;

C) 9 CFR 318: Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products;

D) 9 CFR 381: Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations;

E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;

F) 21 CFR 133: Cheeses and Related Cheese Products;

G) 21 CFR 131: Milk and Cream;

H) 21 CFR 114: Acidified Foods;

I) 9 CFR 317: Labeling, Marking Devices, and Containers;

J) 21 CFR 170.39 − Threshold of regulation for substances used in food-contact articles;

K) 21 CFR 178 − Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);

L) 21 CFR 182 − Substances Generally Recognized as Safe;

M) 21 CFR 184 − Direct Food Substances Affirmed as Generally Recognized as Safe; and

N) 21 CFR 186 − Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).

4) Conference for Food Protection – "Standards for Accreditation of Food Protection Manager Certification Programs" (April 2012) (available online at http://www.foodprotect.org/media/management/CFP%20FPMC%20April%202012%20Standards.pdf).

c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 38 Ill. Reg. 23109, effective November 20, 2014)

Section 750.10 Definitions

"Acceptable product list" means a list of foods, acceptable to the regulatory

authority, that, because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Assessment of knowledge" means a written or an online evaluation of a student's achievement in a food handler training course.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development, after which it is removed from the incubation before hatching.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those that may be infectious or toxigenic.

"Beef pattie mix" (or "beef patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Beverage" means a liquid for drinking, including water.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

Potentially hazardous foods are cooled, as part of the food handling operation at the facility;

Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

Potentially hazardous cooked and cooled foods must be reheated;

Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food

handling operations at the facility;

Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

Immunocompromised individuals such as the elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods are prepared from raw ingredients, using only minimal assembly; and

Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and fabricated so that residue may be effectively removed by normal cleaning methods.

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small

proportion, such as cake mixes.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Entity" means a business, non-profit organization, institution or certified local health department.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of an existing structure for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" or "food handler" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include unpaid volunteers in a food establishment, whether permanent or temporary.

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and

intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Meat and Poultry Act; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised, preschool age children or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of the~~such~~ liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically

designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, or Standard Methods for Examination of Dairy Products, 17th Edition, as incorporated in Section 750.5(b)(1) and (2).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. The product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy Salmonella enteritidis to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable salmonellae exist.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity (a_w) value of 0.85 or less; ~~or~~

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced oxygen packaging" includes:

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases

such as carbon dioxide or nitrogen;

Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Restaurant" means any business, or type of food service establishment, *that is primarily engaged in the sale of ready-to-eat food for immediate consumption.* For the purpose of this definition, *"primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.* (Section 3.06 of the Food Handling Regulation Enforcement Act)

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to section 409 or 706 of the

Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that, depending on when the water spray is applied, maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house that provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smoke house~~smokehouse~~.

"Smoke house" means a piece of equipment or room-sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature

measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 38 Ill. Reg. 23109, effective November 20, 2014)

SUBPART C: PERSONNEL

Section 750.570 Food Handler Training

All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles as outlined in Subpart M. Food handlers working for a temporary food service establishment are exempt from this requirement.

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

SUBPART M: FOOD HANDLER TRAINING

Section 750.3400 General Requirements

a) All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles, as outlined in Section 750.3410, within 30 days after employment.

b) *The regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited*. (Section 3.05 of the Food Handling Regulation Enforcement Act)

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

Section 750.3410 Course Content

a) Food handler training programs shall cover and assess knowledge of the following topics:

1) *The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.*

2) *The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and the food handler's health to foodborne illness, and recognition of how policies, procedures and management contribute to improved food safety practices.*

3) *Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during and after delivery.*

4) *Procedures for cleaning and sanitizing equipment and utensils.*

5) *Problems and potential solutions associated with temperature control, preventing cross-contamination,* and *housekeeping and maintenance.* (Section 3.05(b) of the Food Handling Regulation Enforcement Act)

b) All food handler training courses shall have an assessment of knowledge.

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

Section 750.3420 Course Approval

a) *If an entity uses an American National Standards Institute* (ANSI) *food handler training accredited program, that training program shall be automatically approved by the Department* (Section 3.06(e) of the Food Handling Regulation Enforcement Act).

b) *Certified local health departments in counties serving jurisdictions with a population of 100,000 or less, as reported by the U.S. Census Bureau in the 2010 Census of Population,* and the other six counties (Will, Kane, McHenry,

Tazewell, Kendall and Macon) listed in the Act, may have a food handler training program. *The training program must meet the requirements of* Section 750.3410 *and be approved by the Department.* (Section 3.06(f) of the Food Handling Regulation Enforcement Act) These certified local health departments with approved training programs can teach food handlers in restaurants and in food service establishments that are not restaurants only within the certified local health department's jurisdiction. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

c) Any entity can provide food handler training to employees working in a restaurant by using an ANSI accredited food handler training program, including the ANSI assessment. The entity shall register the training program with the Department using an application provided by the Department. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

d) *If a business with an internal training program is approved in another state prior to* August 27, 2013, *then the business' training program and assessment shall be automatically approved by the Department upon the business providing proof that the program is approved in* that state. (Section 3.06(c) of the Food Handling Regulation Enforcement Act) The business shall register the training program with the Department using an application provided by the Department. For the purpose of this Section, "business" means an organization that provides a food handler training program that was approved in another state prior to August 27, 2013.

e) Any entity can provide food handler training to employees working in a food service establishment that is not a restaurant by using a food handler training program that meets the training and assessment requirements listed in Section 750.3410. The entity providing the training program shall apply for Department approval using an application provided by the Department.

1) *Training may be conducted by any means available, including, but not limited to: on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers.* (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

2) *There must be at least one commercially available approved food handler training module at a cost of no more than $15 per employee;* training may include, but is not limited to, on-line, computer, classroom, live trainers, remote trainers and certified food service sanitation managers. *If an approved food handler training module is not available at that cost, then provisions of* this Section *shall not apply* and food handlers shall comply with Section 3.06 of the Food Handling Regulation Enforcement Act. (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

f) *Any and all documents, materials, or information related to a restaurant or business food handler training module submitted to the Department is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act.* (Section 3.06(g) of the Food Handling Regulation and Enforcement Act)

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

Section 750.3430 Requirements for Food Handlers

a) Food handlers employed by a restaurant:

1) *All food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, shall receive or obtain ANSI accredited training* or Department approved training *in basic food handling principles*, as outlined in Section 750.3410, by December 31, 2014. *From July 1, 2014 through December 31, 2014, enforcement of the provisions of this Section shall be limited to education and notification of requirements to encourage compliance.* (Sections 3.06(b) and(i) of the Food Handling Regulation and Enforcement Act)

2) Existing employees shall receive training by July 1, 2014 and every three years after that date.

3) New employees shall receive training within 30 days after employment and every three years after the initial training.

4) Training is transferable between employers, except for training obtained through an internal training program.

b) Food handlers employed by a food service establishment that is not a restaurant:

1) *All food handlers* employed by a food service establishment that is not a restaurant, *other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles*, as outlined in Section 750.3410, by July 1, 2016. *From July 1, 2016 through December 31, 2016, enforcement of the provisions of this Section shall be limited to education and notification of the requirements to encourage compliance.* (Sections 3.05(a) and (e) of the Food Handling Regulation and Enforcement Act)

2) Existing employees shall receive training by July 1, 2016.

3) New employees shall receive training within 30 days after employment.

4) *Training is not transferable between individuals or employers* (Section 3.05(a) of the Food Handling Regulation and Enforcement Act).

c) *All food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew their training every three years.* (Section 3.06(b) of the Food Handling Regulation and Enforcement Act)

d) Kane County shall issue expirations of food handler training to food handlers in accordance with Section 3.06(b) of the Food Handling Regulation Enforcement Act starting July 1, 2014. If a food handler in Kane County received training prior to July 1, 2014, then the expiration of the certificate issued shall be valid. Upon expiration, the food handler shall obtain training in accordance with the frequency set forth in Section 3.06(b) of the Food Handling Regulation Enforcement Act.

e) *There is no limit to how many times an employee may take the training.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

f) *Proof that a food handler has been trained* shall *be available upon reasonable request by a State or local health department inspector and may be in an electronic format.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Tanning Facilities Code

2) Code Citation: 77 Ill. Adm. Code 795

3)

Section Numbers:	Adopted Action:
795.20	Amendment
795.30	Amendment
795.60	Amendment
795.100	Amendment
795.150	Amendment
795.180	Amendment

4) Statutory Authority: Tanning Facility Permit Act [210 ILCS 145]

5) Effective Date of Rule: November 24, 2014

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: 38 Ill. Reg. 10869; May 23, 2014

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

11) Differences between Proposal and Final Version:

"SUBCHAPTER m: FOOD, DRUGS AND COSMETICS" was added to the table of contents page of the rules.

Various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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 rule currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: This rulemaking is necessary to clean up language that has been determined to be unclear by tanning facility owners and operators and facility inspectors or is outdated.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

PART 795
TANNING FACILITIES CODE

Section

795.10 Purpose and Scope
795.20 Incorporated and Referenced Materials
795.30 Definitions
795.40 Exemptions
795.50 Liability
795.60 Application for Permit to Operate a Tanning Facility
795.70 Issuance of Permit to Operate a Tanning Facility
795.80 Expiration of Permit to Operate a Tanning Facility
795.90 Renewal of Permit to Operate a Tanning Facility
795.100 Report of Changes
795.110 Non-Transfer of Permit
795.120 Approval Not Implied
795.130 Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility
795.140 Hearings
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795.160 Additional Requirements for Stand-Up Booths
795.170 Protective Eyewear
795.180 Operators
795.190 Records
795.200 Injury Reports
795.210 Sanitation
795.220 Enforcement and Penalties

795.APPENDIX A Examples of Human Skin Types
795.APPENDIX B Determination of Skin Types

AUTHORITY: Implementing and authorized by the Tanning Facility Permit Act [210 ILCS 145].

SOURCE: Adopted at 16 Ill. Reg. 19895, effective December 7, 1992; emergency amendment at 19 Ill. Reg. 11648, effective August 1, 1995, for a maximum of 150 days; amended at 20 Ill.

Reg. 2422, effective February 1, 1996; amended at 38 Ill. Reg. 11802, effective May 21, 2014; amended at 38 Ill. Reg. 23142, effective November 24, 2014.

Section 795.20 Incorporated and Referenced Materials

The following materials are incorporated or referenced~~by reference~~ in this Part:

a) Federal Laws and Rules

1) ~~The~~ Federal Food, Drug and Cosmetic Act (21 USC~~U.S.C.~~ 301 et seq.)

2) 21 CFR 801 Labeling (1992)

3) 21 CFR Subchapter J Radiological Health (1992)

4) 21 CFR 1003 Notification of Defects and Failure to Comply (1992)

5) 21 CFR 1010 Performance Standards for Electronic Products: General (1992)

6) 21 CFR 1040.20 Sunlamp products and ultraviolet lamps intended for use in sunlamp products (1992)

b) State Laws and Rules

1) Section 26-4 of the Criminal Code of 2012 [720 ILCS 5/26-4]~~1961, as amended by P.A. 87-970, effective July 1, 1992~~

2) ~~The~~ Illinois Food, Drug and Cosmetic Act [410 ILCS 620]~~(Ill. Rev. Stat. 1991, ch. 56½, pars. 501 et seq.)~~

3) ~~The~~ Department of Public Health Act [20 ILCS 2305]~~(Ill. Rev. Stat. 1991, ch. 111½, pars. 22 et seq.)~~

4) ~~The~~ Local Health Protection Grant Rules~~Departments Program Standard Code~~ (77 Ill. Adm. Code 615)

5) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)

6) ~~The~~ Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

7) Tanning Facility Permit Act [210 ILCS 145]

c) Codes and Standards

~~1)The National Electrical Code, 1990, National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy MA 02269-9101, telephone 1-800-344-3555.~~

~~2)~~Standard for Portable Sun/Heat Lamps, UL 482, Ninth~~Sixth~~ Edition, September 2, 2005~~July 6,1987~~, http://www.ul.com/global/eng/pages/solutions/standards/accessstandards/catalogofstandards/standard/?id=482_9, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook IL 60062.

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.

e) Nothing in this Part shall relieve any person of responsibility for compliance with other pertinent Illinois and federal laws and regulations.

f) Copies of these materials shall be on file and available for inspection by the public at the Department's central office (525 West Jefferson Street, Springfield IL 62761)

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

Section 795.30 Definitions

The definitions and interpretations contained in section 201 of the Federal Food, Drug and Cosmetic Act ~~(21 USC 301 et seq.)~~, 21 CFR 1040.20, and the Illinois Food, Drug and Cosmetic Act ~~[410 ILCS 620]~~ are applicable to those terms when used in this Part. The following definitions shall also apply:

"Act" means the Tanning Facility Permit Act.

"Agent" means a local health department recognized by the Department.

"Applicant" means any person who applies to the Department for a permit to maintain and operate a tanning facility.

"Change of ownership" means any of the following:

In the case of a tanning facility owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a tanning facility owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a tanning facility owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person whether or not the owner retains any interest in the facility.

"Consumer" means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access. (Section 5 of the Act)

"Department" means the Illinois Department of Public Health or other health authority designated as its agent. (Section 5 of the Act)

"Director" means the Director of Public Health or his or her *designee*. (Section 5 of the Act)

"Disinfect" or "disinfection" means a process that provides an effective concentration of a United States Environmental Protection Agency approved chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when those disease organisms that~~which~~ may be present are destroyed so as to prevent transfer) on tanning equipment surfaces and in toilet and hand-washing facilities.

"Existing facility" means a tanning facility that submitted an application for a permit to operate a tanning facility on or before March 8, 1993 and remains in operation with an unexpired tanning facility permit at the same location under the same ownership as listed in the original tanning facility permit application.

"Expired facility" means a previously permitted tanning facility that has not renewed its tanning facility permit on or before the expiration date of the permit, except as provided in the definition of new facility.

"Extensively remodeled" means conversion of an existing structure for use as a tanning facility; structural additions or alterations to existing facilities; or changes, modifications or extensions of plumbing or electrical systems, excluding routine maintenance of the systems.

"Facility" means tanning facility.

"Fee" means the payment or exchange of goods, or anything of value, for the use of the tanning facility or facilities. (Section 5 of the Act)

"Individual" means any human being.

"Injury" means any circumstance or incident, resulting from the use of a tanning device that prompts a consumer to seek professional medical attention.

"Inspection" means an official examination or observation that includes, but is not limited to, tests, surveys, and monitoring to determine compliance with this Part.

"Licensee" means the same as "permittee".

"New facility" includes any tanning facility that submitted an initial application for a tanning facility permit on or after March 9, 1993. Previously permitted facilities that have changed location or ownership are considered to be new facilities upon their relocation or change of ownership. Expired facilities that fail to renew their tanning facility permit within 90 days after the permit expiration shall be considered new facilities.

"Operator" means the trained *person designated by the licensee for the facility* to control the operation of a tanning facility in compliance with the Act and this Part

and *to assist and instruct the public in the correct operation of the tanning facility* and its equipment. (Section 5 of the Act)

"Other compensation" means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities. (Section 5 of the Act)

"Permanent" means a minimum of five years following the last attendance date for record keeping.

"Permit" means a permit issued by the Department in accordance with this Part.

"Permittee" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of Illinois~~this State~~, any other state~~State~~ or political subdivision or agency of any other state or political subdivision, and any legal successor, representative, agent, or agency of any of the entities listed.

"Personal use" means the use of tanning equipment in a private residence for the owner or owners of the residence and other individuals living at the residence.

"Private residence" means a place in which an individual, group or family can live and store personal property, such as a single-family detached home, apartment, duplex or condominium. Private residence does not mean an apartment complex or a condominium complex or community and does not apply to the common or public areas found in the complex or community.

"Photosensitizing agent" means any food, drug, cosmetic, toiletry or other substance, whether ingested or topically applied, that may induce hypersensitivity of an individual to exposure to the sun or other sources of ultraviolet radiation, resulting in inflammation of the skin and its underlying structures, often accompanied by edema.

"Protective eyewear" means eyewear that has been designed and tested in accordance with 21 CFR 1040.20. The protective~~Protective~~ eyewear shall allow for the required protection to ultraviolet radiation while also allowing for adequate vision to maintain balance and to locate the tanning equipment's

"emergency cut-off" switch.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Department, and who is obligated to obtain the permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

"Tanning equipment" means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living body (Section 5 of the Act) and *equipment that emits ultraviolet (UV) radiation used for tanning of the skin, such as a sunlamp, tanning booth, or tanning bed that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers. "Tanning equipment" includes*, but is not limited to, *any accompanying equipment, such as protective eyewear, timers, and handrails* (Section 25(g)(2) of the Act) as well as, protective barriers, warning labels, recommended exposure schedules, and recommended exposure distances. Tanning equipment shall be manufactured in accordance with 21 CFR 1040.20.

"Tanning facility" or "tanning~~Tanning~~ facilities" means a room or a booth or a group of rooms or booths, or a structure or business *that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area*. (Section 5 of the Act)

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200 nanometers and 400 nanometers.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

Section 795.60 Application for Permit to Operate a Tanning Facility

a) Each person shall apply to the Department for a permit to operate a tanning

facility prior to acquiring or establishing the operation of a tanning facility. Application for a ~~the~~ permit shall be completed on forms prescribed by and available from the Department and shall contain all of the information required by the form (see subsection (c)) and any accompanying instructions. Unless otherwise stated, the term "application" as used in this Part~~Section~~ shall include original and renewal applications.

b) If~~In the event of~~ a change of ownership occurs, the new owner shall apply for a permit to operate a tanning facility prior to taking possession of the property. The Department may issue a provisional permit until an initial inspection for a permit can be performed by the Department or its designated agent.

c) The Department shall require at least the following information on the Application for Permit to Operate a Tanning Facility form:

1) Name, physical address, mailing address and telephone number or numbers of the following:

A) The tanning facility;

B) The applicant (owner or owners) of the tanning facility;

2) The manufacturer, model number, serial number, and year ~~and month~~ of manufacture~~, and type of each ultraviolet lamp or piece~~ of tanning equipment located within the facility;

3) The primary function of the business in which the tanning facility is located;

4) The geographic areas within the State to be covered, if the facility is mobile;

~~5) Copies of any posted warnings or other notices that are not required by this Part and that address the safe or proper use of tanning equipment and protective devices;~~

~~6) Names and addresses of the tanning equipment supplier or suppliers, installer or installers, and service agent or agents;~~

5~~7~~) A copy of the operating procedures to be used in the tanning facility;

6~~8~~) The hours of operation of the tanning facility; and

~~9) The name of the on-site manager of the tanning facility;~~

7~~10~~) A signed and dated certification that the applicant has received, read and understood the requirements of this Part. Electronic signatures shall be acceptable for online application submission when an online application is made available by the Department.

d) Each initial application shall be submitted with a nonrefundable $250 fee.

e) Each annual renewal application shall be submitted with a nonrefundable $150 fee, except that each expired facility shall pay a nonrefundable $250 fee for renewal of the permit.

f) If the owner owns or operates more than one tanning facility, the owner shall file a separate application and submit a separate fee for each facility owned and operated.

g) Expired facilities that fail to pay a nonrefundable $250 permit renewal fee within 90 days after the permit expiration shall submit a new permit application and comply with requirements for new facilities in order to receive a tanning facility permit.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

Section 795.100 Report of Changes

a) The facility owner shall notify the Department in writing before making any change that~~which~~ would render the information in the application, reported pursuant to Section 795.60, no longer accurate. This requirement shall not apply to changes involving replacement of the original equipment lamp types that~~which~~ have been determined to be compliant or lamps designed to meet the criteria as being "compatible" with the provisions set forth in 21 CFR 1040.20.

b) The facility owner shall maintain, at the facility, manufacturer's literature or federal Food and Drug Administration certification demonstrating the equivalency

of any replacement lamps.

c) The facility shall maintain a log noting the date of installation, the location in the unit, and a description (lamp name, model or serial designation) of all replacement lamps~~bulbs~~ in each piece of tanning equipment.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

Section 795.150 Construction and Operation of Tanning Facilities

Each~~Unless otherwise ordered or approved by the Department, each~~ tanning facility shall be constructed, operated~~,~~ and maintained to meet the following minimum requirements:

a) Physical facilities
~~1)~~The following warning sign, provided by the Department, shall be conspicuously posted ~~in the immediate proximity (~~within 3 feet~~)~~ of each piece of tanning equipment; it shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item so that the user can easily view the warning sign before energizing the ultraviolet light generating equipment:

Danger – Ultraviolet Radiation. (This indented heading must be in upper case letters.)

- Follow instructions.

- Avoid too frequent or lengthy exposure. As with natural sunlight, exposure to a sunlamp may cause eye and skin injury, sunburn and allergic reactions. Repeated overexposure may cause chronic damage characterized by wrinkling, dryness, premature aging of the skin, and skin cancer.

- Wear protective eyewear.

- Failure to use protective eyewear may result in severe burns or long-term injury to the eyes. (This sentence must be in upper case letters.)

- Ultraviolet radiation from sunlamps enhances the effects of the sun. Do not sunbathe before or after exposure to ultraviolet radiation.

- Abnormal or increased skin sensitivity or burning may be caused by certain foods, medications (including, but not limited to tranquilizers, diuretics, antibiotics, high blood pressure medication, birth control pills, and skin creams), cosmetics or toiletries. Consult a physician or pharmacist before using a sunlamp if you are using prescription or non-prescription medications, have a history of skin problems, or believe yourself especially sensitive to sunlight. Pregnant women and women on birth control pills who use a tanning device may develop discolored skin.

- If you do not tan in the sun, you are unlikely to tan from the use of this product.

- Use of a tanning device may not provide a protective base in regard~~regards~~ to sun exposure.

~~2) The lettering on each warning sign shall be at least ⅜ inches high for all words shown in capital letters and at least 3/16 inches high for all lower-case letters.~~

b) Requirements for Tanning Devices

1) Only tanning equipment manufactured in accordance with ~~the provisions set forth in the Code of Federal Regulations (CFR)~~ 21 CFR 1040.20, ~~entitled~~ "Sunlamp products and ultraviolet lamps intended for use in sunlamp products~~,~~", shall be used in tanning facilities.

2) Each piece of tanning equipment shall have a timer that~~which~~ complies with ~~the requirements of~~ 21 CFR 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. A~~No~~ timer interval shall not have an error greater than plus or minus 10% of the maximum timer interval for the product.

3) Each piece of tanning equipment shall have~~incorporate~~ a control ~~on the device~~ to enable the consumer to manually terminate radiation without physically disengaging the electrical power or having contact with the ultraviolet lamp or lamp sockets.

4) All tanning equipment electrical circuits shall be labeled with the symbol of ~~listed by~~ the Underwriters Laboratory (UL), Electrical Testing

Laboratories (ETL), Applied Research Laboratories (ARL) or Canadian Standards Association (CSA) or an~~its~~ equivalent.

~~5)~~ ~~Tanning equipment shall meet the requirements of the National Fire Protection Association's National Electrical Code and shall have been inspected and have satisfied all the local electrical code requirements.~~

5~~6~~) Physical~~There shall be physical~~ barriers shall be in place to protect consumers from injury induced by touching or breaking the lamps. Each ultraviolet lamp shall be shielded to prevent contact with the consumer. Plastic sheaths inserted over individual lamps are not acceptable physical barriers~~ to ensure that consumers do not come into contact with lamps~~.

6~~7~~) Each tanning facility shall be ~~so~~ equipped to dissipate heat so that the ambient temperature does not exceed ~~one hundred degrees Fahrenheit (~~100° F~~.)~~ or ~~thirty-eight degrees Celsius (~~38° C~~.)~~.

7~~8~~) Defective or burned-out lamps, bulbs or filters shall be replaced with a lamp, bulb or filter~~type~~ of the same spectral ultraviolet distribution intended for use in that device as specified on the product label on the tanning equipment, or~~,~~ with equivalent lamps, bulbs or filters that have been determined to meet the requirements and specifications of~~as being "equivalent" in accordance with~~ 21 CFR 1040.20.

8~~9~~) Floors in rooms containing tanning equipment are to be constructed of nonabsorbent, easily cleanable materials. New tanning facilities shall not include carpeting in rooms containing tanning equipment. Existing facilities with carpeting in rooms containing tanning equipment shall remove the carpeting~~ from such rooms~~ whenever the facilities are ~~extensively~~ remodeled.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

Section 795.180 Operators

a) All employees designated as operators shall be trained on the correct and compliant operation of the facility and its equipment. ~~All operators shall have received training by July 1, 1993.~~ Employees ~~hired on or after July 1, 1993,~~ shall not be allowed to work as operators until they have completed the required

training. Training~~Such training~~ shall include:

1) Knowledge~~knowledge~~ of the requirements of this Part and of 21 CFR 1040.20;

2) Interpretation of recommended exposure schedules as included by manufacturers on equipment labels;~~proper use of U.S.F.D.A. Recommended Exposure Schedule;~~

3) Procedures~~procedures~~ for correct operation of the tanning facility;

4) Recognition~~recognition~~ of injuries and the facility's procedures of handling~~ such~~ injuries from overexposure to ultraviolet radiation;

5) Manufacturer's~~manufacturer's~~ procedures for operation and maintenance of the tanning device;

6) Use~~use~~ of protective eyewear;

7) Emergency~~emergency~~ procedures in case of injury;

8) Effects~~effects~~ of ultraviolet radiation, effects of acute and chronic exposure, biological effects, and health risks;

9) Photosensitizing~~photosensitizing~~ agents; and

10) The~~the~~ six different skin types, in accordance with Appendices A and B~~ of this Part~~.

b) The facility shall maintain a~~A~~ list of the facility's operators who have been trained in accordance with subsection ~~Section 795.180~~(a), noting the date of training, hours spent in training and specific materials used in training. The list~~,~~ shall be ~~maintained and~~ available at the facility for inspection by the Department or its designated agent.

c) A trained operator shall be present at the tanning facility during all operating hours,~~ and/or~~ while tanning equipment is in operation. Consumers~~No consumer~~ shall not be allowed to use the tanning equipment in the absence of a trained operator.

d) The operator shall instruct the consumer in the proper position to be maintained in relation to the tanning lamps; the position of the safety railing, if applicable; the manual switching device to terminate the radiation in case of emergency and reasonable exposure time.

e) Operators shall limit each consumer to the maximum exposure time as recommended by the manufacturer, taking the consumer's skin type into consideration. Operators shall not allow use of tanning equipment by consumers who have used the services of a tanning facility within the immediately previous ~~twenty-four (~~24~~)~~ hours.

f) Operators shall keep a list of emergency telephone numbers in view at each tanning facility. This list shall include the telephone numbers of the following:

1) Closest~~closest~~ hospital;

2) Fire~~fire~~ department; and

3) Emergency~~emergency~~ medical services or 911 service, if available.

g) The operator shall maintain a list of common photosensitizing agents available for inspection by consumers.

h) An~~No~~ establishment shall not provide for the use of tanning equipment operated via tokens in the absence of a trained operator.

i) A~~No~~ facility shall not sell, or otherwise make available to any individual, tokens used to operate tanning equipment in quantities greater than the tanning equipment manufacturer's maximum recommended exposure time for the individual.

(Source: Amended at 38 Ill. Reg. 23142, effective November 24, 2014)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Number: 100.7310 — Adopted Action: Amendment

4) Statutory Authority: [35 ILCS 5/704A]

5) Effective Date of Rule: November 21, 2014

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 rule, 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*: 38 Ill. Reg. 18131, August 29, 2014

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

11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
100.2197	Amendment	38 Ill. Reg. 19128. September 26, 2014
100.2470	Amendment	38 Ill. Reg. 21295, November 14, 2014
100.3450	New Section	38 Ill. Reg. 21758, November 21, 2014

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This rulemaking amends Section 100.7310 to implement changes in the policy of the Department of Revenue regarding permitting employers to file withholding returns annually rather than quarterly.

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

Paul Caselton
Deputy General Counsel Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)
100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA Section 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171 Angel Investment Credit (IITA 220)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA Section 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) − Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Current Net Operating Losses: Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

After December 31, 1986
100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18

Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195,

effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014.

SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section 100.7310 Returns Filed and Payments Made on Annual Basis (IITA SectionsSection 704 and 704A)

a) With respect to taxes withheld or required to be withheld prior to January 1, 2008:

1) In general. Effective January 1, 2005, if an employer had no obligation to deduct and withhold Illinois income tax in the previous calendar year or if the amount of tax deducted and withheld during the previous calendar year was less than $500 and, in either case, the amount that will be deducted and withheld in the current calendar year will be less than $500, the employer may file an annual return for the current calendar year or for any period for which a return is made as a final return. No application need be made to file an annual return. The return filed for such period shall report the amount of tax deducted and withheld during the period and not previously remitted. Form IL-941 is prescribed for making the return authorized under this subsection (a). An employer shall use Form W-3 to submit the information contained on the combined Form W-2, in the same manner as required under Section 100.7300.

2) Duration of annual filing status. Authority to file a return pursuant to this Section shall remain in effect until that time during any calendar year when the amount of tax deducted and withheld equals or exceeds $500. When, during any calendar year, the amount deducted and withheld equals or exceeds $500, an employer must file a quarterly return, as required

under Section 100.7300(a), for the quarter in which that event occurs and for all subsequent quarters until the requirements of subsection (a)(1) are again met by the employer.

b) With respect to any calendar year beginning on or after January 1, 2008 and ending prior to January 1, 2012:

1) An employer who has timely filed all returns due under IITA Sections 704 or 704A during the look-back period for a calendar year, reporting on those returns a total liability of $1,000 or less, and who timely paid the amounts reported, may file a single annual return for that calendar year and pay the tax required to be withheld during that calendar year when that return is due. An employer who was not required to file returns during the look-back period is not eligible under this subsection (b)(1) to make annual filings or payments. (See IITA Section 704A(d)(1).)

2) Any employer that is eligible to make an annual filing and payment for a calendar year under subsection (b)(1) and who withholds or is required to withhold more than $12,000 in any quarter of that year must:

A) make a quarterly return for that quarter, reporting and paying all amounts withheld or required to be withheld during the year through the end of that quarter with that return;

B) make a quarterly return for each subsequent quarter of that calendar year and for each quarter of the following calendar year; and

C) make semi-weekly payments of taxes withheld or required to be withheld during the remaining quarters of that calendar year and during the following calendar year. (See IITA Section 704A(c)(2).)

3) An employer that is eligible to make an annual filing and payment under subsection (b)(1) for any calendar year after 2008 may elect to file quarterly returns under Section 100.7300(a) and make monthly payments under Section 100.7300(d)(2) by filing a return for any quarter of that year. Payment of all amounts withheld or required to be withheld through the end of that quarter shall be due with the filing of that return, and the employer shall be required to make monthly payments and quarterly

returns for the remainder of that year, unless Section 100.7300(d)(1)(B) requires semi-weekly payments.

c) With respect to any calendar year beginning on or after January 1, 2012:

1) An employer who has timely filed all returns due under IITA Section 704A during the look-back period for a calendar year, reporting on those returns a total liability of $12,000 or less, and who timely paid the amounts reported, may file a single annual return for that calendar year. An employer who was not required to file returns during the look-back period is not eligible under this subsection (c)(1) to make annual filings. (See IITA Section 704A(d)(1).)

2) An employer who is allowed to file an annual return for a calendar year under subsection (c)(1) and who reported a total liability of $1,000 or less on returns filed during the look-back period for that year may pay the tax required to be withheld during that calendar year when that return is due. (See IITA Section 704A(d)(1).)

3) Any employer who is eligible to make an annual filing for a calendar year under subsection (c)(1) and who withholds or is required to withhold more than $12,000 in any quarter of that year must:

A) make a quarterly return for that quarter, reporting and paying all amounts withheld or required to be withheld during the year through the end of that quarter with that return;

B) make a quarterly return for each subsequent quarter of that calendar year and for each quarter of the following calendar year; and

C) make semi-weekly payments of taxes withheld or required to be withheld during the remaining quarters of that calendar year and during the following calendar year. (See IITA Section 704A(c)(2).)

4) An employer who is eligible to make an annual filing under subsection (c)(1) for any calendar year after 2011 may elect to file quarterly returns under Section 100.7300(a) by filing a return for any quarter of that year. Payment of all amounts withheld or required to be withheld through

the end of that quarter shall be due with the filing of that return, and the employer shall be required to make monthly payments and file quarterly returns for the remainder of that year, unless Section 100.7300(d)(1)(B) requires semi-weekly payments.

5) An employer who is eligible to make an annual payment under subsection (c)(2) for any calendar year after 2011 may make payments during that calendar year and, unless an election to file quarterly returns is made under subsection (c)(4) for that year, file an annual return for that year.

(Source: Amended at 38 Ill. Reg. 23158, effective November 21, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code

2) Code Citation: 23 Ill. Adm. Code 50

3)

Section Numbers:	Adopted Action:
50.30	Amendment
50.200	Amendment
50.210	New Section
50.220	New Section
50.230	New Section

4) Statutory Authority: 105 ILCS 5/24A-7

5) Effective Date of Rule: November 19, 2014

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 rule, 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*: July 11, 2014; 38 Ill. Reg. 14200

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

11) Differences between Proposal and Final Version: A definition for "interval of instruction" (which also replaces the term "evaluation cycle" in Section 50.210(b)(1)(C)) was placed in Section 50.30, and the definition of "adaptive conditional measurement model" was modified. Additionally, the definition for "joint committee" was moved to follow that for "informal observation".

Section 50.210(b)(1) was modified to allow the teachers to propose two to four student learning objectives (SLOs) but to enable qualified evaluators to pick from among those recommended SLOs to be used in the performance evaluation and to clarify the meaning of the term "assessment". Additionally, subsection (iii), regarding assessment type, and subsection (b)(4), regarding disagreement, have been removed.

A fuller explanation of "growth expectations" was added in Section 50.210(b)(1)(C), and a caveat was added that before a change in the growth expectations can be made, both the teacher and the qualified evaluator must agree.

A related change in Section 50.210(b)(1)(D) provides that teachers may propose additional SLOs in certain situations but that the evaluator must choose either from among those initially proposed or the additional SLOs.

New Section 50.210(c) sets forth a requirement to use the adaptive conditional measurement model in instances where the joint committee cannot agree on the measurement model to be used.

Changes in Section 50.210(e) (previously, subsection (d)) provide for a phase-in approach to determine a student growth rating for a teacher based on percentage of students meeting the growth expectation.

Section 50.230 now includes a process for combining the student growth and professional practices ratings when growth is other than 50 percent of the total used to determine the final performance evaluation rating assigned.

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 rule currently in effect? No

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

15) Summary and Purpose of the Rulemaking: PA 96-861 (Performance Evaluation Reform Act), enacted in 2010, amended Articles 24A and 34 of the School Code [105 ILCS 5/Art. 24A and 34] to transform the way in which the performance of teachers and principals in Illinois public schools is evaluated. Central to this transformation is the inclusion of data and indicators of student growth (in addition to consideration of professional practice) as a "significant" factor in determining a teacher's or principal's performance evaluation rating. The law requires that the student growth portion of the teacher performance evaluation be designed through a collaborative process between school district administrators and teacher representatives to determine the way in which student growth will be measured (Section 24A-4 of the School Code). If this fails to occur within 180 days, then the school district must adopt those components of the State Performance Evaluation Model established by the State Board for which no agreement

was reached. These requirements do not apply to CPS, whose joint committee has 90 days to establish a plan and, if it is unable to do so, the district may implement its "last best proposal".

New Section 50.210 individually lists the components upon which agreement may not be reached and how those will be addressed under the State Performance Evaluation Model.

Student Growth: Section 50.210(a) repeats the statutory requirement of Section 24A-7 of the School Code that the State Performance Evaluation Model provide that student growth comprise 50 percent of the teacher's final performance evaluation rating.

Assessments: Section 50.210(b) uses a Student Learning Objective (SLO) process as the mechanism to identify assessments that are appropriate for and collaboratively chosen by the teacher being evaluated and his or her qualified evaluator. This process also may be used to identify assessments that measure student growth of students with certain characteristics (e.g., special education placement, English learners, low-income populations) to ensure that the assessments best measure the impact that the teacher has on these students' academic achievement (see Section 50.210(d)). The SLO includes the identification of two to four student learning goals (along with growth expectations for each) that are specific to the teacher's content/course of instruction and/or grade level of students taught, which are identified by the teacher. The teacher's qualified evaluator then collaboratively chooses the two SLOs (or one, if only one assessment was the subject of joint committee disagreement) to be incorporated into the teacher's evaluation plan.

Rating Scale: The joint committee also must identify the ratings to be used for student growth, if those ratings are different than the categories of "unsatisfactory", "needs improvement", "proficient" and "excellent" required under Section 24A-5 of the School Code for the final performance evaluation rating assigned. If agreement is not reached in this regard, a school district under the State Performance Evaluation Model would be required to use the Section 24A-5 categories and apply them on the basis of the percentage of students who have met the growth target for the learning goal. (See Section 50.210(e) for specific percentage ranges.)

By way of supporting the SLO process, new Section 50.220 lists the minimum information that must be assembled as part of the process. A sample template will be posted on the agency's website. It may be used as is or adapted by school districts, as applicable to their particular circumstances. While the SLO process was developed as a tool for classroom teachers to use for selecting and/or developing classroom assessments

as part of the implementation of balanced assessment systems, its application to the performance evaluation process will help both the teacher and evaluator identify meaningful goals for student learning, encourage collaboration and understanding, and work to improve instructional effectiveness by monitoring student and teacher progress toward the learning goal.

Although not specific to student growth and therefore, not required to be included in the State Performance Evaluation Model, Section 50.230 sets forth the performance evaluation ratings to be used when agreement is not reached; these ratings consider the 50/50 split between the professional practice rating and student growth rating required under the law, and for when student growth comprises a percentage of the performance evaluation rating other than 50 percent.

16) Information and questions regarding this adopted rule should be directed to:

Jason Helfer, Assistant Superintendent
Department of Teacher and Leader Effectiveness
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/557-6763

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 50
EVALUATION OF EDUCATOR LICENSED~~CERTIFIED~~ EMPLOYEES
UNDER ARTICLES 24A AND 34 OF THE SCHOOL CODE

SUBPART A: GENERAL REQUIREMENTS

Section
50.10 Purpose
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Section
50.300 Plan Components Required for the Evaluation of Principals and Assistant Principals
50.310 Student Growth Components

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50.330 Reporting

SUBPART E: TRAINING FOR EVALUATORS

Section
50.400 School District-Developed Prequalification Process or Retraining Program
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50.APPENDIX A Illinois Standards for Principal Evaluation

AUTHORITY: Implementing and authorized by Section 24A-7 of the School Code [105 ILCS 5/24A-7].

SOURCE: Old Part repealed at 29 Ill. Reg. 15902, effective October 3, 2005; new Part adopted at 36 Ill. Reg. 8330, effective May 21, 2012; amended at 38 Ill. Reg. 19741, effective September 29, 2014; amended at 38 Ill. Reg. 23175, effective November 19, 2014.

SUBPART A: GENERAL REQUIREMENTS

Section 50.30 Definitions

As used in this Part:

"Adaptive conditional measurement model" means a measurement model used to analyze assessment data to determine student growth that consists of at least a collection of baseline data that is used to determine student growth expectations for all students or for individual and/or groups of students and the recording of student outcomes in comparison to the growth expectations identified.

"Assessment" means any instrument that measures a student's acquisition of specific knowledge and skills. Assessments used in the evaluation of teachers, principals and assistant principals shall be aligned to one or more instructional areas articulated in the Illinois Learning Standards (see 23 Ill. Adm. Code 1.Appendix D) or Illinois Early Learning and Development Standards − Children Age 3 to Kindergarten Enrollment Age (see 23 Ill. Adm. Code 235.Appendix A), as applicable. For the purposes of this Part, assessments will be defined as the following types.

"Type I assessment" means a reliable assessment that measures a certain group or subset of students in the same manner with the same potential assessment items, is scored by a non-district entity, and is administered either statewide or beyond Illinois. Examples include assessments available from the Northwest Evaluation Association (NWEA), Scantron Performance Series, Star Reading Enterprise, College Board's SAT, Advanced Placement or International Baccalaureate examinations, or ACT's EPAS® (i.e., Educational Planning and Assessment System).

"Type II assessment" means any assessment developed or adopted and approved for use by the school district and intended to be used on a districtwide basis by all teachers in a given grade, course or subject area. Examples include collaboratively developed common assessments, curriculum tests and assessments designed by textbook publishers.

"Type III assessment" means any assessment that is rigorous, that is aligned to the course's curriculum, and that the qualified evaluator and teacher determine measures student learning in that course. Examples include teacher-created assessments, assessments designed by textbook publishers, student work samples or portfolios, assessments of student performance, and assessments designed by staff who are subject or grade-level experts that are administered commonly across a given grade or subject. A Type I or Type II assessment may qualify as a Type III assessment if it aligns to the curriculum being taught and measures student learning in that subject area (see Section 50.110(b)(2)).

"Assistant principal" means an administrative employee of the school district who is required to hold a professional educator license issued in accordance with Article 21B of the School Code [105 ILCS 5/21B] endorsed for either general administrative or principal, and who is assigned to assist the principal with his or her duties in the overall administration of the school.

"Formal observation" means a specific window of time that is scheduled with the teacher, principal, or assistant principal for the qualified evaluator, at any point during that window of time, to directly observe professional practices in the classroom or in the school. (Also see Sections 50.120(c) and 50.320(c).)

"Growth expectation" means the outcome that students are expected to achieve by the end of the instructional period and includes consideration of a starting level of achievement already acquired and determination of an ending goal for the level of achievement to be reached.

"Informal observation" means observations of a teacher, principal, or assistant principal by a qualified evaluator that are not announced in advance of the observation and not subject to a minimum time requirement.

"Interval of instruction" means the period of time during which two or more assessment scores are analyzed for the purpose of identifying a change in a student's knowledge or skills.

"Joint committee" means a committee composed of *equal representation selected by the district and its teachers or,* when *applicable, the exclusive bargaining representative of its teachers*, which shall have the duties set forth in this Part regarding the establishment of a performance evaluation plan that *incorporates data and indicators of student growth as a significant factor in rating teacher performance*. (Section 24A-4 of the School Code)

"Measurement model" means the manner in which two or more assessment scores are analyzed for the purpose of identifying a change in a student's knowledge or skills over time.

"Performance evaluation plan" means a plan to evaluate a teacher, principal, or assistant principal that includes data and indicators on student growth as a significant factor in judging performance, measures the individual's professional practice, and meets the requirements of Article 24A of the School Code and this Part.

"Performance evaluation rating" means the final rating of a teacher's, principal's, or assistant principal's performance, using the rating levels required by Sections 24A-5(e), 34-8, and 34-85c of the School Code [105 ILCS 5/24A-5(e), 34-8, and 35-85c], that includes consideration of both data and indicators of student growth, when applicable under Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5] and Section 50.20 of this Part, and professional practice.

"Qualified evaluator~~Evaluator~~" shall have the meaning set forth in Section 24A-2.5 or 24A-15 of the School Code and shall be an individual who has completed

the prequalification process required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable, and successfully passed the State-developed assessments specific to evaluation of teachers or principals and assistant principals. Each qualified evaluator shall maintain his or her qualification by completing the retraining required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable.

"State performance evaluation model" means those components of an evaluation plan that address data and indicators of student growth that a school district is required to use in the event that its joint committee fails to reach agreement pursuant to Section 24A-4(b) of the School Code.

"Student growth" means a demonstrable change in a student's or group of students' knowledge or skills, as evidenced by gain and/or attainment on two or more assessments, between two or more points in time.

"Student learning objective process" or "SLO process" means a process for organizing evidence of student growth over a defined period of time that addresses learning goals that are measurable and specific to the skills or content being taught and the grade level of the students being assessed, and are used to inform and differentiate instruction to ensure student success.

"Student learning objectives" or "SLO" consists of a learning goal, assessment and procedures to measure that goal, and growth expectation.

"Teacher" means full-time or part-time professional employees of the school district who are required to hold a professional educator~~educator's~~ license endorsed for a teaching field issued in accordance with Article 21B of the School Code. For the purposes of the requirements specific to student growth outlined in Article 24A of the School Code and this Part, "teacher" shall not include any individual who holds a professional educator license endorsed for school support personnel issued under Article 21B of the School Code and is assigned to an area designated as requiring this endorsement, including but not limited to school counselor, school psychologist, nonteaching school speech and language pathologist, school nurse, ~~or~~ school social worker, or school marriage and family counselor.

(Source: Amended at 38 Ill. Reg. 23175, effective November 19, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: STATE PERFORMANCE EVALUATION MODEL FOR TEACHERS

Section 50.200 Implementation Requirements

a) A school district, in conjunction with the joint committee established under Section 24A-4(b) of the School Code, shall be required to adopt those specific aspects of the State model contained in this Subpart C regarding data and indicators of student growth about which the joint committee is unable to agree within 180 calendar days after the date on which the joint committee held its first meeting.

b) The first meeting of a joint committee shall occur no later than November 1 of the school year immediately preceding the school district's implementation date specified in Section 24A-2.5 of the School Code (see Section 50.20~~ of this Part~~). For purposes of this subsection (b), the 180-day deadline set forth in subsection (a) ~~of this Section~~ does not preclude the members of the joint committee from meeting, either as a committee or with other administrators and teachers, provided that the district representatives and the union representatives on the joint committee formally agree to the date on which the 180-day clock will begin.

~~c) The student growth component of the plan shall conform to the requirements of Section 50.110 of this Part and shall comprise 50 percent of the performance evaluation rating assigned. (See Section 24A-7 of the School Code.)~~

c)~~d)~~ The requirements of this Subpart C do not apply to CPS, except that the district's joint committee may meet to discuss student growth without triggering its 90-day clock for action, provided the procedures set forth in subsection (b) ~~of this Section~~ are followed.

(Source: Amended at 38 Ill. Reg. 23175, effective November 19, 2014)

Section 50.210 Components of the State Performance Evaluation Model

A school district shall conform to the requirements of this Section for any portion of the performance evaluation plan outlined in Section 50.110 for which its joint committee could not reach agreement pursuant to Section 24A-4(b) of the School Code.

a) Any joint committee that cannot agree to the percentage of student growth that shall comprise the performance evaluation rating assigned shall adopt a

performance evaluation plan in which student growth is 50 percent of the performance evaluation rating assigned. (See Section 50.110(a) of this Part and Section 24A-7 of the School Code.)

b) Any joint committee that cannot agree upon one or both of the assessments required under Section 50.110(b)(2) and (3) shall employ a student learning objective (SLO) process to identify how student growth will be measured for the applicable category of teacher (e.g., career and technical education, grade 2) for which no agreement is reached. The SLO process shall include at least the information listed in Section 50.220.

1) Teachers in the category for which agreement was not reached, or their representatives, shall recommend at least two but no more than four SLOs in response to each assessment (i.e., the assessment type (Type I, Type II or Type III) and specific instrument to be used) for which no agreement was reached. The qualified evaluator shall choose the SLO to be used in the performance evaluation from among the options presented by the teachers. The learning goal, assessment and growth expectation that comprise the SLO shall conform to the provisions of this subsection (b)(1).

A) Each learning goal of the SLO shall be aligned to the needs of the teacher's students or the classroom and shall be based on:

i) schoolwide or districtwide initiatives that address the content of the learning goal; and/or

ii) the school improvement plan, as the plan may relate to the content of the learning goal.

B) The assessment of the SLO shall support and measure the applicable learning goal identified pursuant to subsection (b)(1)(A). An adaptive conditional measurement model shall be employed to determine student growth specific to the learning goal being measured.

i) Any assessment identified under this subsection (b)(1)(B) shall not be the same assessment upon which the joint committee could not reach agreement.

ii) If two assessments are to be identified under this subsection (b)(1)(B), then at least one shall be used by more than one teacher in the building or across the district, or by students in one grade level or course, if there is no more than one teacher in a particular category (e.g., career and technical education, grade 2).

C) The growth expectations for the applicable learning goal shall be aligned to the needs of the teacher's classroom and students. Growth expectations also shall be reviewed at the midpoint of the interval of instruction and modified as may be necessary, provided that the teacher and the qualified evaluator mutually agree to any modifications to be made.

D) In the event that the qualified evaluator determines that one or more of the SLOs do not meet the requirements of subsection (b)(1)(A), the qualified evaluator shall request that the teacher or teacher representatives propose an alternative to each SLO that the qualified evaluator finds inadequate. The qualified evaluator shall choose the SLO to be used in the performance evaluation either from among those SLOs developed under this subsection or those proposed under subsection (b)(1).

2) Results from each assessment shall constitute 50 percent of the final student growth rating to be assigned.

3) The teacher and the qualified educator shall agree in writing to the determinations made pursuant to subsection (b)(1).

c) Any joint committee that agrees to the assessment to be used but cannot agree to the measurement model, as required under Section 50.110(b)(1), shall employ an adaptive conditional measurement model to determine student growth specific to the student growth expectations identified pursuant to Section 50.110(b)(4).

d) Any joint committee that cannot agree to a process to consider certain student characteristics (e.g., special education placement, English language learners, low-income populations) in each measurement model as required under Section

50.110(c) shall employ an SLO process as set forth in this Section to make that determination.

e) Any joint committee that cannot agree to the rating scale to be used to determine the student growth rating to be assigned pursuant to Section 50.110(d) shall meet the requirements of this subsection (e). The determination of the student growth rating to be assigned shall be made by totaling the percentage of students meeting the growth expectation from each assessment used to determine student growth and averaging that result, rounding to the nearest whole number.

1) In the initial three years after a school district's implementation date for a performance evaluation system under Section 50.20, the rating scale shall meet the requirements of this subsection (e)(1).

A) In instances in which less than 25 percent of students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "unsatisfactory".

B) In instances in which at least 25 percent but no more than 50 percent of students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "needs improvement".

C) In instances in which at least 51 percent but no more than 75 percent of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "proficient".

D) In instances in which 76 percent or more of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "excellent".

2) Starting in the fourth year of a school district's implementation of a performance evaluation system under Section 50.20, the rating scale shall meet the requirements of this subsection (e)(2).

A) In instances in which less than 40 percent of students met the growth expectation identified pursuant to subsection (b), the

teacher shall be assigned a student growth rating of "unsatisfactory".

B) In instances in which at least 40 percent but no more than 59 percent of students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "needs improvement".

C) In instances in which at least 60 percent but no more than 79 percent of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "proficient".

D) In instances in which 80 percent or more of the students met the growth expectation identified pursuant to subsection (b), the teacher shall be assigned a student growth rating of "excellent".

(Source: Added at 38 Ill. Reg. 23175, effective November 19, 2014)

Section 50.220 Student Learning Objective Process

The information assembled as part of the SLO process shall address at least the following elements for each of the learning goals identified pursuant to Section 50.210(b)(1). The State Board of Education will make available an SLO template on its website at www.isbe.net that districts may choose to use or adapt for this purpose.

a) A list of the student population whose achievement will be measured for the purpose of determining student growth under the provisions of Section 50.210(b);

b) A description of the learning goal established pursuant to Section 50.210(b)(1)(A).

c) Standards associated with the learning goal.

d) A description of the assessments and scoring procedures established pursuant to Section 50.210(b)(1)(B) that measure students' understanding of the learning goal.

e) Identification of growth expectations established pursuant to Section 50.210(b)(1)(C) at the beginning of the SLO process.

f) Identification of adjustments made to the identified growth expectations at the midpoint of the SLO process, as applicable.

g) Documentation of the number or percentage of students who achieved the identified growth expectations.

h) An explanation of how the qualified evaluator translates the number or percentage of students who achieved the identified growth expectations into a final student growth rating; and

i) A final growth rating assigned at the conclusion of the SLO process.

(Source: Added at 38 Ill. Reg. 23175, effective November 19, 2014)

Section 50.230 Performance Evaluation Rating

Any joint committee that cannot agree on the way in which the professional practice rating and student growth rating will be used to determine the performance evaluation rating shall meet the applicable requirements of this Section.

a) For a performance evaluation plan in which student growth comprises 50 percent of the performance evaluation rating:

1) "Unsatisfactory" Performance Evaluation Rating
A teacher shall be assigned a performance evaluation rating of "unsatisfactory" when both his or her professional practice rating and student growth rating are "unsatisfactory".

2) "Needs Improvement" Performance Evaluation Rating
A teacher shall be assigned a performance evaluation rating of "needs improvement" when his or her:

A) professional practice rating is "proficient" or "needs improvement" and student growth rating is "unsatisfactory";

B) professional practice rating and student growth ratings are "needs improvement";

C) professional practice rating is "unsatisfactory" and student growth rating is "needs improvement"; or

D) professional practice rating is "unsatisfactory" and student growth rating is "proficient".

3) "Proficient" Performance Evaluation Rating
A teacher shall be assigned a performance evaluation rating of "proficient" when his or her:

A) professional practice rating is "excellent" and the student growth rating is "unsatisfactory";

B) professional practice rating is "excellent" and student growth rating is "needs improvement";

C) professional practice rating is "proficient" and student growth rating is "needs improvement";

D) professional practice and student growth ratings are "proficient";

E) professional practice rating is "needs improvement" and student growth rating is "proficient";

F) professional practice rating is "needs improvement" and student growth rating is "excellent"; or

G) professional practice rating is "unsatisfactory" and student growth rating is "excellent".

4) "Excellent" Performance Evaluation Rating
A teacher shall be assigned a performance evaluation rating of "excellent" when his or her:

A) professional practice rating is "excellent" and student growth rating is "proficient";

B) professional practice rating and student growth ratings are "excellent"; or

C) professional practice rating is "proficient" and student growth rating is "excellent".

b) For performance evaluation plans in which student growth comprises a portion of the performance evaluation rating other than 50 percent, the performance evaluation rating assigned shall be calculated as set forth in this subsection (b).

1) Each performance evaluation rating set forth under Sections 24A-5(e) of the School Code shall be assigned a numeric value of 1 for "unsatisfactory", 2 for "needs improvement", 3 for "proficient" and 4 for "excellent".

2) The numeric value assigned to the student growth rating, as determined under subsection (b)(1), shall be multiplied by the percentage of the performance evaluation rating that comprises student growth, and the numeric value assigned to the professional practice rating, as determined under subsection (b)(1), shall be multiplied by the percentage of the performance evaluation rating that comprises professional practice.

3) The products determined under subsection (b)(2) shall be added together, and the sum rounded to the nearest whole number (i.e., performance evaluation ratings lower than 2.5 would be rounded to 2 and performance evaluation ratings of 2.5 or higher would be rounded to 3).

4) The result from subsection (b)(4) shall correspond to the performance evaluation rating with that numeric value, as set forth in subsection (b)(1).

(Source: Added at 38 Ill. Reg. 23175, effective November 19, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: School Food Service

2) Code Citation: 23 Ill. Adm. Code 305

3)

Section Numbers:	Proposed Action:
305.5	Amendment
305.15	Amendment

4) Statutory Authority: 105 ILCS 125 and the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.) and Child Nutrition Act of 1966 (42 USC 1771 et seq.)

5) Effective Date of Rule: November 19, 2014

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 rule, 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*: July 11, 2014; 38 Ill. Reg. 14227

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

11) Differences between Proposal and Final Version: In Section 305.15(b), the phase-in period for the number of exempted fundraisers was reduced to two school years rather than three, as proposed.

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 rule currently in effect? Yes

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

15) Summary and Purpose of the Rulemaking: Federal regulations implementing the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.) and Child Nutrition Act of 1966 (42 USC 1771 et seq.), as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), require that starting July 1, 2014, all schools participating in the National

School Lunch Program and School Breakfast Program comply with federally established nutrition standards for food and beverages sold on the school campus during the school day.

Referred to as the "Smart Snack" rules, these nutrition standards also apply to any food and beverages sold through school-sponsored fundraisers. Under the federal regulations, participating schools either may sell foods and beverages that meet the standards to students on the school campus during the school day or may sell food and beverages not meeting the standards to students "during non-school hours, (on) weekends or (through) off-campus fundraising events, such as concessions during sporting events and school plays".

The federal regulations further authorize participating schools to sponsor fundraisers that offer food or beverages not meeting the standards (i.e., "exempted fundraising days") if their respective state education agency (SEA) has set a limit that ensures these types of fundraisers are "infrequent". While USDA did not define "infrequent" in its rules, it did state that any established limit should be such that it would not "impair the effectiveness of the Smart Snack requirements". In the event that a SEA fails or declines to set a limit, then participating schools in that state are prohibited from sponsoring exempted fundraising days.

When considering a limit for exempted fundraising days earlier this year, Nutrition and Wellness Program staff conducted an initial consultation with 500 participating schools. Based on the results of that consultation and direction staff received from the State Board of Education in January, staff initially proposed that participating schools be allowed to set their own limits for exempted fundraising days via a school-board adopted policy. That initial recommendation was shared with USDA for its review and approval; however, USDA staff in late April concluded that a state "may not delegate the authority to specify exempt fundraiser frequency to local education agencies or to school food authorities".

In response to USDA's direction and in response to public comment received, staff now are proposing limits for exempted fundraising days that would phase in the impact of the Smart Snack standards over the next two school years, culminating in school year 2015-16 with a prohibition for exempted fundraising days for participating schools with grades 8 and below and a limit of nine exempted fundraising days for participating schools with grades 9 through 12.

16) Information and questions regarding this adopted rule should be directed to:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Mark Haller, Division Administrator
Division of Nutrition and Wellness Programs
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-2491

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER i: FOOD PROGRAMS

PART 305
SCHOOL FOOD SERVICE

Section
305.5 Definitions
305.10 Illinois Free Lunch and Breakfast Programs
305.15 Sale of Competitive Food~~Foods and Beverages~~ in Participating Schools
305.20 Student Workers
305.30 Government-Donated Commodities

AUTHORITY: Implementing and authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

SOURCE: Peremptory rule adopted at 2 Ill. Reg. 45, p. 83, effective October 25, 1978; codified at 7 Ill. Reg. 14743; amended at 30 Ill. Reg. 17475, effective October 17, 2006; amended at 32 Ill. Reg. 17603, effective October 23, 2008; emergency amendment at 38 Ill. Reg. 14445, effective June 25, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23192, effective November 19, 2014.

Section 305.5 Definitions

"Competitive food" means all food and beverages that are offered by any person, organization or entity for sale to students on the school campus during the school day, other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.) and the Child Nutrition Act of 1966 (42 USC 1771 et seq.), as amended by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296).

"Competitive food standards" means the nutrition standards for competitive food promulgated by the U.S. Department of Agriculture. (See 7 CFR 210.11 (2013).)

"Eligible student" means a student eligible for free or reduced price meals under the School Breakfast Program authorized under the Child Nutrition Act of

1966~~(42 USC 1771 et seq.)~~ and/or the National School Lunch Program ~~(42 USC 1751 et seq.)~~ in accordance with federal regulations found at 7 CFR 245.3 (2014)~~(2008)~~.

"Exempted fundraising day" means a school day on which food and/or beverages not meeting competitive food standards may be sold to students on the school campus.

"Food service area" means any area on school premises where reimbursable meals are served and/or eaten.

"Meal period" means the period of time during which breakfast or lunch is regularly served and the time scheduled for the students to eat the meal.

"Participating school" means any public or nonpublic school that participates in the School Breakfast Program or the National School Lunch Program.

"Reimbursable meal" means a meal meeting the definition of a "federal reimbursable meal", as set forth in regulations governing the School Breakfast Program (7 CFR 220.8 (2014)~~(2008)~~) or the National School Lunch Program (7 CFR 210.10 (2014)~~(2008)~~).

"School campus" means all areas of the property under the jurisdiction of the participating school that are accessible to students during the school day.

"School day" means the period of time from the midnight before the start of the official school day until 30 minutes after the end of the official school day.

(Source: Amended at 38 Ill. Reg. 23192, effective November 19, 2014)

Section 305.15 Sale of Competitive Food~~Foods and Beverages~~ in Participating Schools

a) Beginning July 1, 2014, each~~Each~~ participating school shall adhere to the competitive food standards for the sale of competitive food sold to students on the school campus of the participating school during the school day, except as permitted under subsection (b). (See 7 CFR 210.11 (2013).)~~the following requirements for the sale of foods and beverages to students in grade 8 or below before school and during the regular school day.~~

~~1) Beverages sold to students shall include only:~~

~~A) flavored or plain whole, reduced fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;~~

~~B) reduced fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA));~~

~~C) fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;~~

~~D) water (non-flavored, non-sweetened, and non-carbonated);~~

~~E) fruit smoothie (yogurt or ice based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and~~

~~F) any beverage exempted from the USDA's list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(i-1) (2008)). The State Board of Education shall notify participating schools of these exemptions in January of each year; updates to the exemption list shall be provided within 10 calendar days after the State Board receives notification of any updates from USDA.~~

~~2) Food sold to students outside of food service areas or within food service areas other than during meal periods shall include only:~~

~~A) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or~~

~~B) any food item whose:~~

~~i) total calories from fat do not exceed 35 percent;~~

~~ii) total calories from saturated fat do not exceed 10 percent;~~

~~iii) total amount of sugar by weight does not exceed 35~~

~~percent; and~~

~~iv) calories do not exceed 200.~~

b) A participating school may annually have no more than the number of exempted fundraising days authorized in this subsection (b). ~~None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to students as part of a reimbursable meal or to foods sold within food service areas during meal periods.~~

1) For school year 2014-15, the number of exempted fundraising days shall be limited to:

A) No more than nine exempted fundraising days for participating schools with grades 8 and below; and

B) No more than 36 exempted fundraising days for participating schools with grades 9 through 12.

2) For school year 2015-16 and after, the number of exempted fundraising days shall be:

A) prohibited in participating schools with grades 8 and below; and

B) limited to no more than nine exempted fundraising days for participating schools with grades 9 through 12.

3) The provisions of this subsection (b) do not limit the number of foods and beverages that may be sold to students on an exempted fundraising day nor do they limit the number of organizations or clubs to which a participating school may grant permission to offer competitive food for sale to students on an exempted fundraising day.

c) In order to have exempted fundraising days authorized under subsection (b), a participating school shall: ~~None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to a student who presents a written recommendation for that food or beverage item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.~~

1) adopt a policy stating the procedures to be used to request an exempted fundraising day, and the process and criteria to review and approve or deny a request;

2) include the fundraising policy adopted under subsection (c)(1) in the participating school's local school wellness policy established in accordance with 42 USC 1758b and any federal regulations issued under that statute (see proposed rule at 79 Fed. Reg. 10693, February 26, 2014); and

3) maintain for no less than three years a listing of the exempted fundraising days held; these records shall be retained in accordance with the requirements of 7 CFR 210.9(b)(17) (2013).

d) ~~If a participating school serves students in both grades 8 and below and students in grades 9 and above, then the participating school shall ensure that food and beverage sales to students in grades 8 and below meet the requirements of this Section.e)~~All revenue from the sale of any food or beverage meeting the competitive food standards sold ~~in competition with the School Breakfast Program or National School Lunch Program~~ to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.

~~f) Any participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.~~

(Source: Amended at 38 Ill. Reg. 23192, effective November 19, 2014)

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

a) Parts (Heading and Code Citations): Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)

1) Rulemaking:

A) Description: Section 515.100 will be amended to define alternate response vehicle, ambulance service provider and vehicle service provider upgrades, in-field service level upgrade, rural ambulance service provider, rural in-field service level upgrade and rural vehicle service provider. These definitions will help to implement PA 98-0881 and PA 98-0608.

Section 515.330 will be amended to implement PA 98-0881 and PA 98-0608 by requiring policies to be written into the Emergency Medical Services (EMS) System Program Plan. The policies will describe in-field service level upgrades using advanced-level EMS vehicle service providers and ambulance service provider and vehicle service provider upgrades in rural populations of 7,500 or fewer. Amendments to this Section will also implement PA 98-0234, which requires an EMS System to develop an administrative policy that provides notification to the Division of EMS and High Safety when an Illinois EMS crew member is killed in the line of duty.

Section 515.830 will be amended to implement PA 98-0881 and PA 98-0608. This Section, Ambulance Licensing Requirements, will reference the operational requirement for ambulance service upgrades: rural population that is being located in the new Section 515.833.

A new Section, 515.833, is being created to implement PA 98-0608. The PA provides that a currently licensed Emergency Medical Technician (EMT) may perform emergency and non-emergency medical services in accordance with his or her level of education, training, and licensure, regardless of the level (BLS, ILS, or ALS) of the ambulance to which he or she is assigned when performing those services. PA PA 98-0608 applies only to EMTs who serve in a rural population of fewer than 7,500. This Section is also being created to implement PA 98-0881. The Section provides for a rural vehicle service provider to be approved for an in-field service level upgrade, which will allow that rural vehicle service provider the authorization to function at the highest level of emergency medical

technician license held by any person staffing the ambulance, alternate response vehicle, or specialized emergency medical services vehicle. This Section provides procedures for rural vehicle service providers to apply for an in-field service level upgrade. The Section also implements PA 98-0880, which allows the Department of Public Health to provide an Illinois-licensed pre-hospital RN the ability to participate in a service upgrade for an ambulance service provider that serves a rural population of 7,500 or fewer inhabitants.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Spring 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: These changes will have a positive effect on small businesses, small municipalities and volunteer agencies that have emergency medical services. These changes are being made in response to the EMS Funding Task Force meetings held throughout the State to help with rural EMS issues.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

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A) Description: All Sections of Part 515 will be updated to comply with the legislation passed in the spring of 2014 to adopt the Federal New Education Standards.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Spring 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Colleges, universities and hospitals that educate Emergency Medical Technicians will need to adjust their curriculum to meet the Federal New Education Standards.

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G) Related rulemakings and other pertinent information: None

3) Rulemaking:

A) Description: Section 515.4000 will be amended to clarify the qualifications needed by a physician working an Emergency Department Approved for Pediatrics (EDAP) recognized facility. Sections 515.4000, 515.4010 will be amended to mirror each other when the same language applies. Sections 515.4000, 515.4010, 515.4020, 515.APPENDIX K, and 515.APPENDIX N will be amended to clarify the specific type of licensed Mid-Level Practitioner that can be used in an EDAP, Standby Emergency Department Approved for Pediatrics (SEDP) or Pediatric Critical Care

Center (PCCC) recognized facility. Sections 515.4000, 515.4010, 515.4020, 515.APPENDIX K, 515.APPENDIX N, and 515.APPENDIX O will be amended to replace the term "waiver" with "Alternate Criteria Physician" and "Alternate Criteria Nurse Practitioner". This will eliminate the need to grant physician and nurse practitioner waivers to EDAP and SEDP recognized facilities.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Spring 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals seeking one of the three facility recognitions will need to update policies to stay compliant with the requirements of a Pediatric Critical Care Center, Emergency Department Approved for Pediatrics or a Standby Emergency Department for Pediatrics hospital.

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G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: Amendments to Sections 515.2000, 515.2020, 515.2030, 515.2035, 515.2040, and 515.2045 will update the Trauma Center rules to agree with nationally recognized standards. In anticipation of a trauma bill passing in the spring legislative session, two new Sections will be created,

a Trauma Level 3 and Trauma Level 4, as recommended by national standards.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Summer 2015

D) Date Agency anticipates First Notice: Summer 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals that want to be a Level I, II or III Trauma Center will have to comply with the amended rules and Act.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

5) Rulemaking:

A) Description: Amendments to 515.100 will include the definition of Healthcare Preparedness Capabilities, Public Health and Medical Services Response Region, Regional Healthcare Coalition, Regional Hospital Coordinating Center (RHCC), Regional Healthcare Coalition Strategic and Capability Plan and Regional Healthcare Coalition Disaster Medical Response Plan. Section 515.220 will be amended to update the required EMS Regional Plan content to allow the region to adopt the Regional Healthcare Coalition Disaster Medical Plan, which will be outlined in Section 515.240. This Section also removes the requirements of an internal disaster plan. Section 515.230 will be amended to include the

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Stroke Committee and the Regional Healthcare Coalition in the rules set forth to settle unresolved disputes regarding the EMS Regional Plan. The Stroke Committee and the Regional Healthcare Coalition will need a statement from the respective chairpersons supporting their position in the dispute. The Director will have 30 days instead of 10 days to make a determination in regard to the dispute. Section 515.240 is being renamed from Bioterrorism Grants to Emergency Preparedness. Section 515.240 will also outline the new Public Health and Medical Services Response Regions (PHMSRR) throughout the State. This Section will include the roles and responsibilities of the Regional Hospital Coordinating Center (RHCC), Regional Healthcare Coalition and the hospitals. Section 515.315, Bypass Status Review, will update the requirements of bypass reporting. This Section will allow the use of current technology for communication, such as radios, e-mail, fax and health alerts as part of communication. The Section also incorporates the responsibility policies and procedures that need to be in place to prepare for critical situations such as a disaster.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled meeting/hearing dates: Summer 2015

D) Date Agency anticipates First Notice: Summer 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals and coalition partners will need to organize and comply with these rules to be eligible for federal funding from the Hospital Preparedness Grant.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

b) Parts (Heading and Code Citations): Water Well Construction Code (77 Ill. Adm. Code 920)

1) Rulemaking:

A) Description: The rulemaking will add language pertaining to the construction and modification of closed loop wells.

B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30] (as amended by PA 98-0951)

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: June 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will affect closed loop and water well contractors.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

c) Parts (Heading and Code Citations): Illinois Vital Records Code (77 Ill. Adm. Code 500)

1) Rulemaking:

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A) Description: Sections 500.10, 500.20, 500.30, 500.40, 500.45, 500.47, 500.50, 500.70 and 500.90 are being amended to update language; add definitions; clarify correction and amendment processes based on the implementation of the electronic birth and death registration system; add language regarding the transport of bodies for organ donation purposes; and include clarifying language regarding researchers' access to vital records data. Several appendices are being amended to update language.

B) Statutory Authority: Illinois Vital Records Act [410 ILCS 535]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Winter 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: The economic effect of this proposed rulemaking is unknown.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

d) Parts (Heading and Code Citation): Youth Camp Code (77 Ill. Adm. Code 810)

1) Rulemaking:

A) Description: The rules will be amended to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric service and buildings.

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B) Statutory Authority: Youth Camp Act [210 ILCS 100]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

e) Parts (Heading and Code Citation): Swimming Facility Code (77 Ill. Adm. Code 820)

1) Rulemaking:

A) Description: The rules will be amended to update minimum sanitary requirements for bathing beaches.

B) Statutory Authority: Swimming Facility Act [210 ILCS 125]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date Agency anticipates First Notice: Spring 2015

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E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

f) Parts (Heading and Code Citations): Structural Pest Control Code (77 Ill. Adm. Code 830)

1) Rulemaking:

A) Description: The rules will be amended to update and clarify training and certification requirements, the fine schedule and record keeping.

B) Statutory Authority: Structural Pest Control Act [225 ILCS 235]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

g) Parts (Heading and Code Citations): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)

1) Rulemaking:

A) Description: Existing rules address requirements for conducting medical and environmental follow-up for children that have been identified with an elevated level of lead in their blood. Existing rules also establish minimum requirements for training and licensure of individuals and companies conducting services associated with lead-bearing substances in wellings and child care facilities. Minimum requirements for persons conducting training for lead-based paint activities are included in the existing rules. Proposed amendments include updating and implementing statutory changes that go into effect January 1, 2015 as well as general language clean-up.

B) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: New enforcement provisions and penalties are statutory changes. Only non-compliant entities will be affected.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

h) Parts (Heading and Code Citation): Manufactured Home Community Code (77 Ill. Adm. Code 860)

1) Rulemaking:

A) Description: The rules will be amended to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer, electric service and provisions to issue fines for non-compliance.

B) Statutory Authority: Mobile Home Park Act [210 ILCS 115/21]

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

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G) Related rulemakings and other pertinent information: None

i) Parts (Heading and Code Citations): Private Sewage Disposal Code (77 Ill. Adm. Code 905)

1) Rulemaking:

A) Description: The rulemaking will clarify and correct existing language pertaining to the construction and modification of private sewage disposal systems.

B) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: Winter 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

j) Parts (Heading and Code Citation): Migrant Labor Camp Code (77 Ill. Adm. Code 935)

1) Rulemaking:

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A) Description: The rulemaking will update statutory provisions from PA 098-1034; clarify the incorporated materials; add definitions; and provide current requirements for water, sewer, electric service and buildings.

B) Statutory Authority: Migrant Labor Camp Law [210 ILCS 110/10]

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

k) Parts (Heading and Code Citation): Illinois Modular Dwellings and Mobile Structures Code (77 Ill. Adm. Code 880)

1) Rulemaking:

A) Description: The amendments will be based on statutory amendments from PA 098-0959 to update and clarify the incorporated materials, add definitions, and provide current requirements for water, sewer and electric service requirements for regulated factory-built structures.

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B) Statutory Authority: Modular Dwelling and Mobile Structure Safety Act [430 ILCS 115]

C) Scheduled meeting/hearing dates: State Board of Health 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

A) Description: The rulemaking will implement PA 98-0683, which provides for a license fee for hospitals of $55 per bed, except for critical access hospitals and safety net hospitals.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring or summer 2015

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E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect hospitals, including those owned by small units of government.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)

1) Rulemaking:

A) Description: The amendment will increase the license fees to $2,000 plus $20 per unit for assisted living establishments, and to $1,000 for shared housing establishments.

B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]

C) Scheduled meeting/hearing Dates: State Board of Health, spring 2015

D) Date Agency anticipates First Notice: Spring/summer 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect assisted living and shared housing establishments.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

n) Parts (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)

1) Rulemaking:

A) Description: The rulemaking implements PA 98-0989, which provides that the provisions of the Nursing Home Care Act concerning access to residents in a facility shall not limit the power of the State Long Term Care Ombudsman Program to enter and inspect a facility or communicate privately and without restriction with a resident who consents to the communication, regardless of the consent of, or withholding of consent by, a legal guardian or an agent named in a power of attorney executed by the resident.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the Nursing Home Care Act

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: The rulemaking will define "distressed facilities" and the methodology for determining whether a facility is a distressed facility pursuant to PA 96-1372.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the Nursing Home Care Act

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

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3) Rulemaking:

A) Description: This rulemaking will define "informed consent" pursuant to PA 96-1372.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect long-term care facilities licensed under the Nursing Home Care Act.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

o) Part Heading and Code Citation): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

1) Rulemaking:

A) Description: This rulemaking will contain extensive amendments to Subpart S pursuant to PA 96-1372.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

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C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect skilled nursing and intermediate care facilities that are licensed under the Nursing Home Care Act and that are certified to provide services under Subpart S of Part 300.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Reference for Rules in Administrative Hearings Under Sections 2-110(d) and 3-410 of the Nursing Home Care Act (77 Ill. Adm. Code 430)

1) Rulemaking:

A) Description: Part 430 will be repealed.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

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

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G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Blood Labeling Code (77 Ill. Adm. Code 460)

1) Rulemaking:

A) Description: Part 460 will be repealed, since the authorizing statute has been repealed. Blood labeling is now regulated under the Illinois Clinical Laboratory and Blood Bank Act.

B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The Department is also repealing Part 490

r) Part (Heading and Code Citation): Illinois Blood Bank Code (77 Ill. Adm. Code 490)

1) Rulemaking:

A) Description: Part 490 will be repealed, as the authorizing statute has been repealed. Blood banks are now regulated under the Illinois Clinical Laboratory and Blood Bank Act.

B) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

C) Scheduled meeting/hearing dates: Winter 2015

D) Date Agency anticipates First Notice: Spring 2015

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The Department also is repealing Part 460.

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s) Parts (Heading and Code Citations): Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 730)

1) Rulemaking:

A) Description: This rulemaking will amend the rules to include a permit and fee for manufactured food facilities and to include portions of the following Codes: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

March 2015 – Food Safety Advisory Committee
May 2015 – State Board of Health Rules Committee
June 2015 – State Board of Health

D) Date Agency anticipates First Notice: June 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Manufactured food facilities will be required to apply to the Department for a permit and pay the associated fee.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the following Codes will be repealed: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).

t) Parts (Heading and Code Citations): Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735)

1) Rulemaking:

A) Description: This Code will be repealed, and the pertinent information currently contained in the Code will be added to The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

March 2015 – Food Safety Advisory Committee
May 2015 – State Board of Health Rules Committee meeting
June 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: June 2015

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725) will be amended at the same time to include pertinent portions of this Code.

u) Parts (Heading and Code Citations): Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738)

1) Rulemaking:

A) Description: This Code will be repealed, and the pertinent information currently contained in the Code will be added to The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

March 2015 – Food Safety Advisory Committee
May 2015 – State Board of Health Rules Committee meeting
June 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: June 2015

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

F) Agency contact person for information:

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

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725) will be amended at the same time to include pertinent portions of this Code.

v) Parts (Heading and Code Citations): Soft Drink Manufacturers (77 Ill. Adm. Code 740)

1) Rulemaking:

A) Description: This Code will be repealed, and the pertinent information currently contained in the Code will be added to The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

March 2015 – Food Safety Advisory Committee
May 2015 – State Board of Health Rules Committee meeting
June 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: June 2015

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

F) Agency contact person for information:

Susan Meister
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725) will be amended at the same time to include pertinent portions of this Code.

w) Parts (Heading and Code Citations): Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743)

1) Rulemaking:

A) Description: This Code will be repealed, and the pertinent information currently contained in the Code will be added to The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725).

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

March 2015 – Food Safety Advisory Committee
May 2015 – State Board of Health Rules Committee meeting
June 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: June 2015

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

F) Agency contact person for information:

Susan Meister
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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: The Manufacturing, Processing, Packing or Holding of Food (77 Ill. Adm. Code 725) will be amended at the same time to include pertinent portions of this Code.

x) Parts (Heading and Code Citations): Body Art Code (77 Ill. Adm. Code 797)

1) Rulemaking:

A) Description: This rulemaking will be a general clean up and update of the Body Art Code.

B) Statutory Authority: Tattoo and Body Piercing Establishment Registration Act [410 ILCS 54]

C) Scheduled meeting/hearing dates:

February 2015 – State Board of Health Rules Committee meeting
March 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: March 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: No significant impact on body art establishments.

F) Agency contact person for information:

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

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

y) Parts (Heading and Code Citations): Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

1) Rulemaking:

A) Description: This rulemaking will repeal rules, which require the Department to maintain a listing of information on generic drug manufacturers and approved generic drugs. This program was eliminated in 2004 when the Department's pharmacist position was also eliminated.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

February 2015 – State Board of Health Rules Committee meeting
March 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: March 2015

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

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
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217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

z) Parts (Heading and Code Citations): Food, Drug and Cosmetic Code (77 Ill. Adm. Code 720)

1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

A) Description: This rulemaking will create a Food Safety Advisory Committee with specified membership to provide advice and recommendations to the Department on food safety matters.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

C) Scheduled meeting/hearing dates:

February 2015 – State Board of Health Rules Committee meeting
March 2015 – State Board of Health meeting

D) Date Agency anticipates First Notice: March 2015

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

F) Agency contact person for information:

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

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

aa) Parts (Heading and Code Citations): Hospital Report Card Code (77 Ill. Adm. Code 255)

1) Rulemaking:

A) Description: This rule change eliminates hospital reporting of SCIP surgical process measures to the Department. This data is simultaneously reported to the Center for Medicare and Medicaid (CMMS) and is available to the Department as needed. The Department's no cost vendor is unable to process this data. CMMS is planning phased retirement of

these measures beginning in 2015, and the measures will become obsolete over time.

B) Statutory Authority: Hospital Report Card Act [210 ILCS 86]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date Agency anticipates First Notice: Spring 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals will be affected in that they will no longer have to submit his data to the Department. This will reduce the hospital reporting burden.

F) Agency contact person for information:

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

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

bb) Parts (Heading and Code Citations): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

1) Rulemaking:

A) Description: The proposed amendments to Section 690.10 and Section 690.1520 (e) revise the definition for Extensively Drug-Resistant Organisms and carbapenem-resistant Enterobacteriaceae (CRE), respectively. This will allow the Illinois Department of Public Health to be consistent with the Centers for Disease Control and Prevention's (CDC) reporting requirements for CRE.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2015 REGULATORY AGENDA

B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45] and the Department of Public Health Act [20 ILCS 2305]

C) Scheduled meeting/hearing dates: State Board of Health, 2015

D) Date Agency anticipates First Notice: Summer 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: This change will reduce the burden on health care facilities and laboratories by being consistent with CDC reporting definitions.

F) Agency contact person for information:

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

217/782-2043
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

1) Heading of the Part: Primary Drinking Water Standards

2) Code Citation: 35 Ill. Adm. Code 611

3) Register citation of the above-cited rulemaking: 38 Ill. Reg. 21513 (November 21, 2014)

4) Explanation: The Table of Contents for the November 21, 2014 *Illinois Register* incorrectly listed this rulemaking as proposed. The Table of Contents should have indicated that this rulemaking as exempt: pursuant to Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5], Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or Second Notice review by the Joint Committee on Administrative Rules, though the public comment period still applies.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2014 THIRD QUARTER INCOME TAX SUNSHINE INDEX

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

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

2. Summary of information: Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 2014. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

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

   Alternative Apportionment
   Credits – Replacement Tax Investment
   Definitions
   Subtraction Modifications – Other Rulings
   Subtractions − Pension
   Taxable Year
   Withholding – Other Rulings
   COMPENSATION

   Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50 cents per page for each page over one.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2014 THIRD QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 are available for $3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for $4.00.

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

Lisa Marcure
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

Telephone: 217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2014 THIRD QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 14-0007-GIL	08/14/14	Request to use separate accounting cannot be granted without evidence that the statutory apportionment formula does not fairly reflect the market for the taxpayer's services.

CREDITS – REPLACEMENT TAX INVESTMENT

IT 14-0009 GIL	09/17/14	Taxpayer providing alarm monitoring services is not a retailer entitled to claim the replacement tax investment credit.

DEFINITIONS

IT 14-0012 GIL	09/19/14	An entity that is disregarded for federal income tax purposes and treated as part of its parent corporation is treated identically for Illinois income tax purposes.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 14-0008-GIL	08/19/14	In computing base income, only passive losses deducted in computing the individual taxpayer's federal adjusted gross income are allowable, and passive loss deductions of a nonresident must be sourced to Illinois according to the apportionment factors of the business that produces the losses.
IT 14-0013 GIL	09/22/14	Income from a trust established under the Illinois Funeral or Burial Fund Act may be subtracted from federal adjusted gross income as provided in 225 ILCS 45/4a(c).

SUBTRACTIONS – PENSIONS

IT 14-0010 GIL	09/18/14	Pastor is entitled to a subtraction for the portion of payments received under an IRC Section 403(b) plan that is not excluded from his federal adjusted gross income as a housing allowance.

TAXABLE YEAR

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2014 THIRD QUARTER INCOME TAX SUNSHINE INDEX

IT 14-0006 GIL	07/28/14	A corporation with two short federal taxable years within a calendar year must file two short-period Illinois income tax returns.

WITHHOLDING – OTHER RULINGS

IT 14-0011 GIL	09/19/14	Withholding is not required from compensation paid to a nonresident who performs some services in Illinois, but whose base of operations is located in another state.
IT 14-0014 GIL	09/23/14	If a nonresident individual partner's Illinois income tax obligation is fully paid by withholding by the partnership, the partner is not required to file an Illinois income tax return.
IT 14-0015 GIL	09/24/14	A taxpayer is allowed to claim personal and dependency exemptions in order to determine the withholding required from his nonqualified retirement plan income.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 18, 2014 through November 24, 2014. The rulemakings are scheduled for review at the Committee's December 16, 2014 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/2/15	Department of Financial and Professional Regulation, Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290)	8/22/14 38 Ill. Reg. 17531	12/16/14
1/3/15	Department of Natural Resources, Floodway Construction in Northeastern Illinois (17 Ill. Adm. Code 3708)	8/8/14 38 Ill. Reg. 16676	12/16/14
1/3/15	Department of Natural Resources, Regulation of Public Waters (17 Ill. Adm. Code 3704)	8/8/14 38 Ill. Reg. 16670	12/16/14
1/3/15	Department of Natural Resources, Construction and Maintenance of Dams (17 Ill. Adm. Code 3702)	8/8/14 38 Ill. Reg. 16664	12/16/14
1/3/15	Department of Natural Resources, Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)	8/8/14 38 Ill. Reg. 16658	12/16/14
1/3/15	Department of Natural Resources, The Taking of Reptiles and Amphibians Under a Sport Fishing License (17 Ill. Adm. Code 880)	8/8/14 38 Ill. Reg. 16654	12/16/14
1/4/15	Department of Revenue, Income Tax (86 Ill. Adm. Code 100)	9/26/14	12/16/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

		38 Ill. Reg. 19128	
1/4/15	Department of State Police, Concealed Carry Licensing Review (20 Ill. Adm. Code 2900)	10/03/14 38 Ill. Reg. 19364	12/16/14
1/4/15	Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)	5/2/14 38 Ill. Reg. 9171	12/16/14
1/4/15	Department of Revenue, Hotel Operators' Occupation Tax Act (86 Ill. Adm. Code 480)	5/2/14 38 Ill. Reg. 9198	12/16/14

PROCLAMATIONS

2014-218
Craft Beer Week (revised)

WHEREAS, Illinois has a long and vibrant history of brewing beer throughout the state; and,

WHEREAS, the practice of brewing beer in Illinois stretches back to the 19th century and has continued ever since; and,

WHEREAS, the first Illinois craft breweries opened in the late 1980's, paving the way for a surge of small breweries since the year 2000; and,

WHEREAS since 2009, at least 45 new beer brewing operations have opened in Illinois; and,

WHEREAS, the State of Illinois has strived to make itself an accommodating atmosphere for the craft beer industry, by enacting laws such as HB 630, which allows homebrewers in Illinois to legally share their product with friends and family, to enter competitions, and to provide educational courses to the general public; and,

WHEREAS, Illinois' efforts have made it among the easiest states to produce craft beer; and,

WHEREAS, Illinois enacted legislation to provide a means for small start-up brewers to establish their beer brands with name recognition and consumer following while maintaining the state-based regulatory system which creates a competitive, and orderly marketplace for all brewers; and,

WHEREAS, Illinois has also doubled the amount of beer a craft brewer may manufacture from 15,000 barrels to 30,000, while still allowing such brewers to self-distribute up to 7,500 barrels or simultaneously hold a brew pub retailer license; and,

WHEREAS, Illinois affords all Illinois craft brewers the opportunity to have their products delivered, not just across the street, but across the State, through independent beer distributors which remain autonomous from brewery ownership and control through the enactment of laws such as HB 2606; and,

WHEREAS, Illinois has seen a recent expansion of the brewing industry and significant increase in the number of craft breweries, owed in part to the work of organizations such as the Associated Beer Distributors of Illinois and the Illinois Craft Brewers Guild; and,

WHEREAS, a recent study by the National Beer Wholesalers Association showed that Illinois' beer industry ranks fifth in the nation in terms of its economic contribution to the state's economy; and,

WHEREAS, Illinois is home to 152 beer distributing establishments that provide over 15,000 jobs and more than $1 billion in wages and salaries; and,

WHEREAS, from May 15-25, Chicago will host its fifth annual Chicago Craft Beer Week, lasting eleven days and showcasing the city's and the state's craft beer through events all over the city; and,

WHEREAS, American Craft Beer Week will take place from May 12-18, 2014; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 12-18, 2014 as **CRAFT BEER WEEK** in the State of Illinois, in recognition of the vital economic contributions this industry makes throughout the Land of Lincoln.

Issued by the Governor April 21, 2014
Filed by the Secretary of State November 18, 2014

2014-447
Week for the Animals

WHEREAS, since its establishment in 1993, Animal World USA has been dedicated to improving the lives of animals through advocacy, education, and community support; and,

WHEREAS, the Week of the Animals Campaign brings communities together to celebrate the individuals who work tirelessly to help raise awareness, recognize the contributions of animals, and promote healthy humane interactions between animals and humans; and,

WHEREAS, this week will also serve to commend and appreciate the farm animals, therapy pets, and military/police dogs that provide essential and nurturing services to the citizens of our state; and,

WHEREAS, in Illinois, several educators, leaders, students, businesses, organizations and citizens will join Animal World USA and host the first Annual Week for the Animals Campaign; and,

WHEREAS, Illinois will host a variety of educational and interactive events, fairs, programs, wellness clinics, adoption days, benefits and seminars to celebrate and advocate for all animals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 11-19, 2014 as **WEEK FOR THE ANIMALS** in Illinois, in order to increase awareness and recognize the welfare of all animals.

Issued by the Governor October 3, 2014
Filed by the Secretary of State November 18, 2014

2014-448
COPD Awareness Month

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is a term used to refer to a groupof diseases that cause airflow obstruction and breathing related problems, includes emphysema,chronic bronchitis, and in some cases, asthma and severe bronchiectasis; and,

WHEREAS, in 2008 COPD became the third leading cause of death in the US, 12 years earlier than predicted, and the only top 5 cause of death that is not declining; and,

WHEREAS, COPD is a chronic and progressive disease that affects over 24 million persons nationwide, half of whom have not been properly diagnosed, and 70% of whom are under age 65; and,

WHEREAS, in Illinois, 5 percent of adults overall and 6.2 percent of women have been diagnosed with COPD; and,

WHEREAS, COPD is considered to be the 2nd leading causes of disability in the US; and,

WHEREAS, smoking is the primary risk factor for COPD and other risk factors include environmental and exposure to air pollution, second hand smoke, and genetics; and,

WHEREAS, a genetic condition called Alpha-1 Antitrypsin Deficiency tends to cause individuals to develop COPD; and,

WHEREAS, COPD kills more women than breast cancer and diabetes combined, and women who smoke are 13 times more likely to die from COPD than non-smokers; and,

WHEREAS, nationwide the cost of COPD in 2010 was $49.9 billion including healthcare services, indirect costs through loss of productivity, and the deterioration of personal health; and,

WHEREAS, concerted public outreach efforts such as DRIVE4COPD, the nation's largest public awareness and screening campaign for COPD, and the NHLBI's COPD: Learn More Breathe Better Campaign, can dramatically improve public awareness of COPD; and,

WHEREAS, there is no cure for COPD, but increased awareness, early detection and proper health management can slow the progression of the disease and lead to reduced costs, improved quality of life and self-sufficiency for our residents; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do herby proclaim November 2014 as **COPD AWARENESS MONTH** in Illinois and encourage all residents to learn more about the prevention and treatment of COPD.

Issued by the Governor October 6, 2014
Filed by the Secretary of State November 18, 2014

2014-449
Cyber Security Awareness Month

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of our Nation, whereby today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, which include maintaining contact with family and friends, managing personal finances, performing research, enhancing education and conducting business;and,

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and,

WHEREAS, the use of the Internet at the primary and secondary school levels in this State enhances the education of youth by providing them access to online educational and research materials; at institutions of higher education, the use of information technology is integral to teaching and learning, research, and outreach and service; and,

WHEREAS, Internet users and our information infrastructure face an increasing threat of malicious cyber attack, loss of privacy from spyware and adware and significant financial and personal privacy losses due to identity theft and fraud; and,

WHEREAS, the "Stop.Think.Connect." campaign (www.stopthinkconnect.org) is a national effort coordinated by a coalition of private companies, nonprofits and government organizations to help all digital citizens stay safer and more secure online; and,

WHEREAS, the Multi-State Information Sharing and Analysis Center provides a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security; and the

State of Illinois provides a comprehensive approach to help enhance the security of this State/Territory; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security measures will improve the security of Illinois information infrastructure and economy; and,

WHEREAS, the U.S. Department of Homeland Security (www.dhs.gov/cyber), the Multi-State Information Sharing and Analysis Center (www.msisac.org), the National Association of State Chief Information Officers, (www.nascio.org), and the National Cyber Security Alliance (www.staysafeonline.org) have declared October as National Cyber Security Awareness Month; and all citizens are encouraged to visit these sites, along with the State of Illinois (www.illinois.gov) and Stop.Think.Connect (www.stopthinkconnect.org) to learn about cyber security; and put that knowledge into practice in their homes, schools, workplaces, and businesses; and,

THEREFORE I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **CYBER SECURITY AWARENESS MONTH** in the State of Illinois.

Issued by the Governor October 7, 2014
Filed by the Secretary of State November 18, 2014

2014-450
A New Direction Beverly Morgan Park Day

WHEREAS, since 2011, A New Direction Beverly Morgan Park (AND) has been dedicated to helping community members who are victims of domestic violence; and,

WHEREAS, AND provides essential services to clients, including crisis intervention and safety planning, counseling, education and support, child therapy, and legal advocacy; and,

WHEREAS, AND also provides community outreach services by giving presentations and conducting clinical and training programs; and,

WHEREAS, domestic violence is a prevalent social problem that not only harms the victim, but also negatively affects the victim's family, friends and community at large; and,

WHEREAS, domestic violence knows no boundaries; it exists in all neighborhoods and cities, and affects people of all ages, racial, ethnic, economic, and religious backgrounds; and,

WHEREAS, the health-related costs of rape, physical assault, stalking and homicide by intimate partners amount to nearly $6 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and,

WHEREAS, AND works actively to empower survivors and provides them with resources to live sustainably and help break the cycle of violence; and,

WHEREAS, the Illinois Department of Human Services is dedicated to ensuring that Illinois residents live free from domestic violence, promoting prevention, working in partnership with communities and supporting dozens of multi-service domestic violence programs throughout the state to advance equality, dignity, and respect for all; and,

WHEREAS, in the month of October, AND will host its **Annual Benefit & Reception** in observance of Domestic Violence Awareness Month in order to continue their mission of providing support and advocacy to victims of domestic violence; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 18, 2014 as **A NEW DIRECTION BEVERLY MORGAN PARK DAY** in Illinois, to raise awareness about the problem of domestic violence throughout the state and its devastating effects on families and communities, and to urge all victims to seek help either by calling the Statewide Domestic Violence Helpline, 1-877-TO END DV (1-877-863-6338) or visiting a local help center.

Issued by the Governor October 9, 2014
Filed by the Secretary of State November 18, 2014

2014-451
Asian American Dream Day

WHEREAS, Illinois takes great pride in its vibrant Asian American communities throughout the state; and,

WHEREAS, today more than 660,000 Asian Americans call Illinois home, and they make countless valuable social, economic, and cultural contributions to our state on a daily basis; and,

WHEREAS, in a state as diverse as ours, is it extremely important to raise cultural awareness and understanding amongst citizens; and,

WHEREAS, on October 18, 2014, the Asian American Dream Day Committee will host an event celebrating the hopes and aspirations of Asian American youth throughout the Chicagoland area

and encourage the growing numbers of 1.5 and 2nd-generation Asian Americans to strive for and pursue the American Dream; and,

WHEREAS, I would like to congratulate this year's scholarship recipients; you should all take pride knowing that you have earned this award because of your commitment to your studies and to the advanced pursuit of knowledge and learning; and,

WHEREAS, events such as these provide opportunities to recognize the contributions of Asian Americans to our state, help foster relationships between all Asian communities and provide them with a valuable connection to their heritage; and,

THEREFORE**,** I, Patrick Quinn, Governor of the State of Illinois, do hereby proclaim October 18, 2014 as **ASIAN AMERICAN DREAM DAY** in Illinois.

Issued by the Governor October 10, 2014
Filed by the Secretary of State November 18, 2014

2014-452
Carey Pinkowski Day

WHEREAS, the Chicago Marathon is widely considered to be one of the most prestigious road races in America, with over 45,000 runners competing from all 50 states and over 100 nations each year; and,

WHEREAS, the successes of the Chicago Marathon could not have occurred without the leadership of Carey Pinkowski, who has served as its Executive Race Director for the past 25 years; and,

WHEREAS, in his role as Executive Race Director for the Chicago Marathon, Carey Pinkowski is responsible for recruiting athletes as well as designing the route, safety, and all logistics of the race; and,

WHEREAS, born in Hammond, Indiana, Carey Pinkowski exhibited talent for running at a young age and would go on to become a four-time state champion in cross country and track for Hammond High School. After high school, he competed collegiately for Villanova, becoming a 3-time NCAA All American in track and posting impressive personal bests of 13:48 for 5,000 meters and 29:12 for 10,000 meters; and,

WHEREAS, for his efforts, Carey Pinkowski has received numerous awards including the Illinois Track & Cross Country Coaches Association Meritorious Service to the Youth of Illinois Award in 1998, the Chicago Area Runners Association Gold Medal Award for Event Production

in 1999, the Runner's World Magazine's Best Race Director Award in 2002, and the Allan Steinfeld Award for Lifetime Achievement in Men's Long Distance Running in 2009; and,

WHEREAS, Carey Pinkowski is a member of the Indiana Athletic Hall of Fame and the Running USA Hall of Champions, and he serves on the advisory board for the National Distance Running Hall of Fame and is a member of USA Track & Field Men's Long Distance Running Executive Committee; and,

WHEREAS, perhaps most importantly, Carey Pinkowski is a loving husband to his wife, Susan, and their two beautiful children, Sarah and Matthew; and,

WHEREAS, this year is Carey Pinkowski's 25th year as Executive Race Director for the Chicago Marathon. The 2014 Chicago Marathon, taking place on Sunday, October 12, is an opportune time to recognize Carey Pinkowski; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12, 2014, as **CAREY PINKOWSKI DAY** in Illinois, in recognition of his tremendous contributions to the sport of running and the Chicago Marathon.

Issued by the Governor October 10, 2014
Filed by the Secretary of State November 18, 2014

2014-453
Dewey Pierotti Day

WHEREAS, the people of Illinois are served every single day by dedicated public servants at forest preserve districts. These unsung heroes provide quality recreational opportunities for countless people in our state; and,

WHEREAS, one remarkable public servant is Dewey Pierotti, who has served as president of the Forest Preserve District of DuPage County for 20 years; and,

WHEREAS, Dewey Pierotti's 20th anniversary as president of the Forest Preserve District of DuPage County offers an opportunity for all residents of Illinois to commend his honorable and dedicated service and reflect on his many accomplishments; and,

WHEREAS, Dewey Pierotti holds a Bachelor of Arts in Economics and Juris Doctorate of Law from DePaul University; and,

WHEREAS, Dewey Pierotti is the past President of the Illinois Association of Conservation and Forest Preserve Districts and has served as a member of the Illinois Association of Park Districts Board of Trustees; and,

WHEREAS, during his tenure as president of the Forest Preserve District of DuPage County, Dewey Pierotti championed the preservation and restoration of woodlands, wetlands, and prairies in addition to adding more than 3,000 acres to its holdings; and,

WHEREAS, Dewey Pierotti is the longest serving president of the Forest Preserve District of DuPage County; and,

WHEREAS, in addition to enhancing the Forest Preserve District of DuPage County, Dewey Pierotti has demonstrated a strong commitment to helping others and has been involved with numerous organizations including the Conservation Foundation, Kiwanis, the DuPage Community Foundation, and the DuPage Audubon Society. He is the founder of the Paul D. Pierotti Memorial Scholarship Fund that benefits students seeking college degrees in natural resource management or other environmental fields of study; and,

WHEREAS, Dewey Pierotti's work has undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues; and,

WHEREAS, as a result of Dewey Pierotti's leadership, the Forest Preserve District of DuPage County has reenergized its recreational spaces and other facilities to ensure a better quality of life for the community; and,

WHEREAS, Dewey Pierotti's work ethic has exemplified the dedication to service the citizens of the State of Illinois have come to expect and deserve; and,

WHEREAS, the people of Illinois are pleased to recognize Dewey Pierotti on the occasion of his 20 years of service with the Forest Preserve District of DuPage County; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 15, 2014, as **DEWEY PIEROTTI DAY** in Illinois, and commend him on the important contributions that he has made to the people of DuPage County and the State of Illinois.

Issued by the Governor October 10, 2014
Filed by the Secretary of State November 18, 2014

2014-454
Small Business Saturday

WHEREAS, the State of Illinois is pleased to celebrate our local small businesses and the contributions they make to our local economies and communities; according to the United States Small Business Administration, there are currently 28 million small businesses in the United States, that represent more than 99 percent of American companies, create two-thirds of the net new jobs, and generate half of private gross domestic product; and,

WHEREAS, small businesses employ ½ of the employees in the private sector in the United States; and,

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and,

WHEREAS, 86 percent of consumers in the United States have small businesses in their community that would be missed if they closed; and,

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and,

WHEREAS, 90 percent of consumers in the United States are willing to pledge support for a "buy local" movement; and,

WHEREAS, it is important to support our local businesses that create jobs, boost our local economy, and preserve our neighborhoods; and,

WHEREAS, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 29, 2014, as **SMALL BUSINESS SATURDAY** in Illinois, and encourage consumers in the Land of Lincoln to support the small businesses and merchants that create jobs within our communities and reinvest in our local economies.

Issued by the Governor October 10, 2014
Filed by the Secretary of State November 18, 2014

2014-455
Respiratory Care Week

WHEREAS, respiratory diseases are a major health problem in the United States. Unfortunately, the causes of some respiratory diseases are unknown, and many have no known cure; and,

WHEREAS, despite that, appropriate therapy can often slow the progress of respiratory disease, relieve symptoms, reduce the extent of permanent lung damage and respiratory disability, and avert or delay the onset of life-threatening complications; and,

WHEREAS, there are educational programs for patients and their families, as well as a variety of treatments for respiratory disease such as the administration of life-supporting oxygen, drug treatment, lung rehabilitation; and,

WHEREAS, to inform the public about the respiratory care profession and promote lung health, the American Association for Respiratory Care and their affiliate organizations, including the Illinois Society for Respiratory Care, annually sponsors Respiratory Care Week the last week in October; and,

WHEREAS, respiratory therapy centers throughout the country participate by hosting educational screenings, programs, and fundraisers for asthma camps for kids, patients in need of assistance, and other worthy causes; and,

WHEREAS, legislation to grant Illinois Respiratory Care Practitioners full licensure status became effective January 1, 2006; and,

WHEREAS, this year, the American Association and Illinois Society for Respiratory Care will observe Respiratory Care Week from October 23-29; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 19-25, 2014 as **RESPIRATORY CARE WEEK** in Illinois, in support of notable efforts by the American Association and Illinois Society for Respiratory Care, and urge all Illinoisans to be aware of the important role of Respiratory Care to raise awareness about respiratory diseases that affect the lives of many citizens of our state.

Issued by the Governor October 14, 2014
Filed by the Secretary of State November 18, 2014

2014-456
Zhou Brothers Day

WHEREAS, as Chinese Natives and leaders of the Contemporary Art movement in China, the Zhou Brothers, DaHuang and Shan Zuo Zhou, have dedicated their lives to art; and,

WHEREAS, the Zhou Brothers immigrated to the United States in 1986 to continue their work at an international level and bring together Eastern and Western ideologies through art; and,

WHEREAS, the Zhou Brothers have been recognized internationally, received several distinguished awards, and their culturally significant works have been featured at museums and exhibitions around the world; and,

WHEREAS, the Zhou Brothers use a unique collaborative process and hold live painting performances where audiences can observe their techniques; and,

WHEREAS, in 2004, the Zhou Brothers founded the Zhou B Art Center in Chicago to help promote, nurture, and elevate artistic talent; and,

WHEREAS, the Zhou B Art Center has become the premier destination for international art, and currently hosts over fifty resident artists; and,

WHEREAS, in 2011, the Zhou Brothers had the honor of meeting with the President of the United States and The President of China at The White House; and,

WHEREAS, President Obama asked the Zhou Brothers to create a painting called "8 US Presidents and the Great Wall," which was presented as a gift to President Hu; and,

WHEREAS, in October, the Zhou B Center will be hosting a gala celebrating "10 years of Art Innovation;" and,

WHEREAS, the Zhou Brothers have undoubtedly touched and enriched numerous lives over the years and provided a source of inspiration to many people throughout the Chicagoland area and all over the world; and,

WHEREAS, this is an excellent opportunity to reflect on everything that the Zhou Brothers have accomplished over the years, and to make plans for the future that will build on your past successes; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 16, 2014 as **ZHOU BROTHERS DAY** in Illinois, on the occasion of the 10th anniversary of the Zhou B Center, and for their exceptional national and international contributions to the arts.

Issued by the Governor October 14, 2014
Filed by the Secretary of State November 18, 2014

2014-457
American Pharmacists Month

WHEREAS, pharmacy is one of the oldest of the health care professions dedicated to the health and well-being of all people; and,

WHEREAS, today, there are over 300,000 pharmacists licensed in the United States and nearly 18,000 licensed pharmacists in Illinois providing service and health care counseling to assure the rational and safe use of all medications. These pharmacists are assisted by approximately 38,000 pharmacy technicians (including student pharmacists); and,

WHEREAS, the effective and safe use of medication when monitored by a licensed pharmacist, is a cost-effective alternative to more expensive medical procedures, and is becoming a major force in moderating overall health care costs; and,

WHEREAS, today's powerful medications require greater attention to the manner in which they are used by different patient population groups—both clinically and demographically; and,

WHEREAS, it is important that all users of prescription and nonprescription medications, or their caregivers, be knowledgeable about and share responsibility for their own drug therapy; and,

WHEREAS, pharmacists, as health care providers, are specifically educated with a focus and level of expertise on medication therapy and are ideally suited to work collaboratively with other health care providers and patients to improve medication use and outcomes by providing services through medication therapy management; and,

WHEREAS, pharmacists provide both expertise and accessibility which are crucial to patients fully optimizing access to medications that are not self-administered such as, but not limited to immunizations; and,

WHEREAS, pharmacists provide patient care that improves adherence to their medications that ensures optimal medication therapy outcomes; and,

WHEREAS, pharmacists ensure the integrative safety of drug use; diligently working to reduce medication abuse, discontinuing medications with no indication, and advocating for the safe use of all medications; and,

WHEREAS, the American Pharmacists Association and the Illinois Pharmacists Association have declared October as the American Pharmacists Month with the theme "Know Your Medicines—Know Your Pharmacist;" and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **AMERICAN PHARMACISTS MONTH** in Illinois, in recognition of the vital contributions made by pharmacists to health care in our State.

Issued by the Governor October 15, 2014
Filed by the Secretary of State November 18, 2014

2014-458
Pilsen Neighbors Community Council Day (English version)

WHEREAS, for 60 years, Pilsen Neighbors Community Council has been in the forefront of community-building, neighborhood empowerment and civic engagement; and,

WHEREAS, by employing the creative grass-roots organizing techniques of Saul Alinsky, Pilsen Neighbors Community Council helped Chicago earn its reputation as the birthplace of modern community organizing; and,

WHEREAS, for six decades, Pilsen Neighbors Community Council has trained countless community organizers, developed local leaders and transformed a neighborhood; and,

WHEREAS, in 1972, Pilsen Neighbors Community Council threw a block party called Fiesta del Sol, which now - with 1.3 million attendees − is the biggest Latino festival in the Midwest and largest alcohol-free event in the nation; and,

WHEREAS, Pilsen Neighbors Community Council was a driving force in the creation of Benito Juarez High School (now Benito Juarez Community Academy) in the early 1970s, Eighteenth Street Development Corporation in 1976, Harrison Park Fieldhouse in 1993, West Side Technical Institute in 1996, and other schools and social service agencies; and,

WHEREAS, thanks to the efforts of Pilsen Neighbors Community Council, the Alivio Medical Center opened its doors in 1988, and now serves 25,000 patients yearly at three clinics and three school-based health centers; and,

WHEREAS, a tireless voice for better education, Pilsen Neighbors Community Council has convened the annual Pilsen Education Summit and University Round Table, conducted tutoring classes and ACT preparation courses, and - through the Guadalupe Reyes Fiesta del Sol Scholarship - awarded $700,000 in scholarships to 450 students; and,

WHEREAS, Pilsen Neighbors Community Council has fearlessly tackled the many challenges facing Pilsen residents, including health care, workforce and small business development, violent crime, neighborhood infrastructure and immigration reform; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim Tuesday, October 21, 2014, as **PILSEN NEIGHBORS COMMUNITY COUNCIL DAY** throughout Illinois to celebrate their 60 years of making Illinois a better place for us all.

Issued by the Governor October 16, 2014
Filed by the Secretary of State November 18, 2014

2014-458
Día De Pilsen Neighbors Community Council (Spanish version)

CONSIDERANDO QUE, por 60 años, el Pilsen Neighbors Community Council ha estado a la vanguardia de la construcción de las comunidades, el empoderamiento de las vecindades, y la participación en la sociedad civil; y,

CONSIDERANDO QUE, empleando las técnicas creativas de base de Saul Alinsky, el Pilsen Neighbors Community Council ayudó a Chicago a ganar su reputación como el lugar del nacimiento de la organización cívica moderna; y,

CONSIDERANDO QUE, por seis décadas, el Pilsen Neighbors Community Council ha entrenado a organizadores cívicos sin número, desarrollado a líderes locales, y transformado una vecindad; y,

CONSIDERANDO QUE, en 1972, el Pilsen Neighbors Community Council dio hacer a una fiesta de barrio llamada la Fiesta del Sol, que ahora – con más de 1.3 millones de asistentes – es el festival latino más grande del medio oeste y el evento sin alcohol más grande de la nación; y,

CONSIDERANDO QUE, el Pilsen Neighbors Community Council fue una fuerza impulsora para la creación de Benito Juarez High School (ahora Benito Juarez Community Academy) en los años tempranos 1970, Eighteenth Street Development Corporation en 1976, Harrison Park Fieldhouse en 1993, West Side Technical Institute en 1996, y otras escuelas y agencias de servicio social; y,

CONSIDERANDO QUE, gracias a los esfuerzos del Pilsen Neighbors Community Council, el Alivio Medical Center abrió sus puertas en 1988, y ahora sirve a 25,000 pacientes cada año en tres clínicas y tres centros de salud basados en escuelas; y,

CONSIDERANDO QUE, una voz sin cansancio para educación mejor, el Pilsen Neighbors Community Council ha convocado al Pilsen Education Summit y University Roundtable anual, ha dirigido a clases de tutorial y cursos de preparación para el ACT, y – por el Guadalupe Reyes Fiesta del Sol Scholarship – ha otorgado a $700,000 en becas a 450 estudiantes; y,

CONSIDERANDO QUE, el Pilsen Neighbors Community Council ha abordado sin miedo los muchos desafíos entrenando a los residentes de Pilsen, incluyendo la asistencia médica, el desarrollo de la fuerza laboral y los negocios pequeños, el crimen violente, la infraestructura de vecindades, y la reforma de la inmigración; y,

POR LO TANTO, Yo, Pat Quinn, Gobernador del estado de Illinois, por este medio proclamo al martes el 21 de octubre, 2014, como el **DÍA DE PILSEN NEIGHBORS COMMUNITY COUNCIL** tras Illinois para celebrar a sus 60 años de hacer a Illinois un lugar mejor para todos nosotros.

Issued by the Governor October 17, 2014
Filed by the Secretary of State November 18, 2014

2014-459
Dorothy Leavell Day

WHEREAS, born on October 23, 1944, in Pine Bluff, Arkansas, Dorothy Leavell was the valedictorian of her class at Merrill High School and eventually relocated to Chicago, where she attended Roosevelt University; and,

WHEREAS, after the death of her husband, Balm L. Leavell Jr., Dorothy Leavell took over as the publisher of the Chicago Crusader, a publication that is the leading voice for tens of thousands of African Americans on the issues of education, business, civil rights, criminal justice, and civic affairs; and,

WHEREAS, today, as a result of Dorothy Leavell's leadership, the Chicago Crusader provides critical information to more than 272,000 readers; and,

WHEREAS, the Chicago Crusader will celebrate its 75th anniversary in June of 2015; and,

WHEREAS, a woman of strong faith, Dorothy Leavell is active in her church, Holy Name of Mary Church in Chicago's Morgan Park community; and,

WHEREAS, Dorothy Leavell understands that service to others is the rent we pay to live on God's earth and has often been recognized for civic and philanthropic contributions. She is the recipient of many awards including the NNPA's Publisher of the Year Award, the Winnie Mandela Endurance with Dignity Award, the Operation PUSH Family Affair Award, and the Humanitarian Award from the Council of African Affairs; and,

WHEREAS, Dorothy Leavell was elected President of the National Newspaper Publishers Association in June 1995 for a two-year term and re-elected in June 1997. In 2006, she was elected Chairman of the National Newspaper Publishers Association Foundation; and,

WHEREAS, Dorothy Leavell became Chairwoman of the National Black Chamber of Commerce in 2013; and,

WHEREAS, Dorothy Leavell has achieved great success in the field of journalism and serves as an inspiration to her colleagues; and,

WHEREAS, as a long-time friend and co-worker, Dorothy Leavell has touched many lives through inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, the citizens of the Land of Lincoln are pleased to recognize Dorothy Leavell on this occasion and wish her the best of luck with her future endeavors; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 21, 2014, as **DOROTHY LEAVELL DAY** in Illinois, in recognition of her contributions to the Chicago Crusader Newspaper and the journalism industry in the State of Illinois.

Issued by the Governor October 20, 2014
Filed by the Secretary of State November 18, 2014

2014-460
National Cuatro Festival Day

WHEREAS, the State of Illinois is proud of the countless economic and cultural contributions that Puerto Ricans make every day; and,

WHEREAS, it is critically important that we recognize organizations and events that are beneficial to the Puerto Rican community in Illinois and our state as a whole; and,

WHEREAS, the Puerto Rican Arts Alliance (PRAA) is a community-based organization dedicated to preserving Puerto Rican culture by maintaining traditions, providing arts education programming, and cultivating pride in Puerto Rican heritage; and,

WHEREAS, since its inception in 1998, PRAA has become a primary cultural resource for Chicago's Latino communities, and its unique music programs and exhibitions are recognized throughout the Chicago area; and,

WHEREAS, PRAA serves over 10,000 people through its core programs: the Latin Music Project, the National Cuatro Festival, the Taino Project, El Archivo, and the Studio Arts and Exhibition Program; and,

WHEREAS, the National Cuatro Festival is the largest annual indoor Puerto Rican cultural concert in the nation, impacting over 100,000 participants of all ages and backgrounds over the course of its 16 years of existence; and,

WHEREAS, this year, the annual National Cuatro Festival will take place on November 8, 2014, and will feature some of the most talented cuatro musicians in the country along with emerging artists; and,

WHEREAS, notably, the 2014 National Cuatro Festival is dedicated to the 65th Infantry Regiment Borinqueneers, the only active-duty segregated Latino military unit in US history, who were recently awarded a merited Congressional Medal for their service; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 8, 2014, as **NATIONAL CUATRO FESTIVAL DAY** in Illinois, in recognition of its contributions to the community and the residents of the Land of Lincoln.

Issued by the Governor October 20, 2014
Filed by the Secretary of State November 18, 2014

2014-461
Down Syndrome Awareness Month

WHEREAS, Down syndrome is the most frequently occurring chromosomal condition in the United States, including Illinois, and the world; and,

WHEREAS, Down syndrome is caused by a person having three copies of the 21st chromosome rather than two copies, a genetic condition occurring in less than one of 700 live births and causing cognitive and physical delay; and,

WHEREAS, people with Down syndrome deserve fundamental human and civil rights; and,

WHEREAS, while research and early intervention have resulted in dramatic improvements in the lifespan and potential of those who are affected, more investigation is needed into the causes and treatments of Down syndrome; and,

WHEREAS, people with Down syndrome possess a wide range of abilities, and are active participants in educational, occupational, social, and recreational groups of the community; and,

WHEREAS, through the efforts of several notable organizations, professionals, family members, and self-advocates, there are many initiatives that ensure people with Down syndrome have adequate services and are respected in their communities; and,

WHEREAS, through public awareness, the State of Illinois seeks to ensure that families receive needed support and information, while also making sure that individuals with Down syndrome are recognized in society for their abilities and not devalued for their disability; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2014 as **DOWN SYNDROME AWARENESS MONTH** in Illinois, and encourage all citizens to work together to promote awareness of Down syndrome and to celebrate the accomplishments of these individuals and their families.

Issued by the Governor October 21, 2014
Filed by the Secretary of State November 18, 2014

2014-462
Wayne McClain Day

WHEREAS, Wayne McClain's commitment to excellence and dedication to the game of basketball makes him an inspiration to other coaches and the people of the Land of Lincoln; and,

WHEREAS, Wayne McClain earned a Bachelor's Degree in Education from Bradley in 1977 and a Master's Degree in Physical Education from Illinois State in 1982; and,

WHEREAS, Wayne McClain began his high school coaching career in 1977, serving as an assistant coach to the legendary Dick Van Scyoc for 18 years until being named head coach in 1995; and,

WHEREAS, Wayne McClain became a collegiate coach after a legendary seven-year career as head coach at Peoria Manual High School, where he led the Rams to three-straight AA state championships in his first three years as coach. He was named National High School Coach of the Year in 1997 for leading his squad, which featured future Illini players Sergio McClain, Marcus Griffin, and Frank Williams, to be named National High School Champions by USA Today; and,

WHEREAS, Wayne McClain was named Illinois Basketball Coaches Association Coach of the Year in 1995, 1996, and 1997. He proudly coached his son, Sergio, at Peoria Manuel High School and at the University of Illinois; and,

WHEREAS, Wayne McClain began his 11-year run on the Illinois coaching staff under Bill Self in the 2001-2002 season and remained on the staff with Bruce Weber through the 2011-2012 season. After going to Kansas State as the Director of Student-Athlete Development, Wayne McClain returned home to Illinois, becoming the head coach at Champaign Central, where he led last year's team to a regional title and sectional win; and,

WHEREAS, in addition to his success on the court, Wayne McClain had an impressive career as an educator. He taught physical education to high school students and served as Peoria Manuel High School's Dean of Students; and,

WHEREAS, sadly, Wayne McClain passed away on October 15, 2014; and,

WHEREAS, a funeral will be held on October 22, 2014, for Wayne McClain, who is survived by his loving wife, Robin, and their two beautiful children, Sergio and Brindeshie, and grandson, Sergio Jr., as well as many colleagues and athletes who are grateful for the numerous ways he positively impacted their lives; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby declare October 22, 2014, as **WAYNE MCCLAIN DAY** in Illinois, in recognition of his dedication to coaching and mentoring young adults, love for the game of basketball, and the powerful legacy he leaves behind.

Issued by the Governor October 21, 2014
Filed by the Secretary of State November 18, 2014

2014-463
Dr. Billie Morris Wright Adams Day

WHEREAS, Billie Morris Wright Adams was born in Bluefield, West Virginia, the youngest of two children to Francis and Billie Wright, and named for her father William Morris Wright, MD, a family practitioner who accepted chickens and vegetables from those who could not pay for services; and,

WHEREAS, Billie Morris Wright Adams received her education and training at Fisk University, 1950, A.B., Indiana University, 1951, M.A., Zoology, and Howard University, 1960, M.D.; and,

WHEREAS, Billie Morris Wright Adams, MD is licensed and board certified in Pediatrics and has specialty board eligibility in Pediatric Hematology/Oncology. She did her internship, residency and fellowship at Cook County Hospital in Chicago; and,

WHEREAS, Billie Morris Wright Adams has numerous credentials including research activity, and appointments to academic staff, hospital staff, committees and boards; and,

WHEREAS, Billie Morris Wright Adams has received special awards and honors including her listing in Who's Who Among Black Americans (1975), being named Pediatrician of the Year by the Illinois Chapter American Academy of Pediatrics (1997), and being selected as Best Doctor in America and honored at the University of Illinois of Chicago, (2005-2006); and,

WHEREAS, Billie Morris Wright Adams, wife of Frank Adams, Sr., JD (deceased), and mother of Frank Adams, Jr., JD, serves her community through various roles including membership in Delta Sigma Theta Sorority, Inc., and The Links, Inc.; and,

WHEREAS, Billie Morris Wright Adams, MD is recognized for her distinguished career as a pediatrician and the many years of service that she has rendered to her patients and their families, medical students at University of Illinois in Chicago, resident physicians at Cook County Hospital and the citizens of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 26, 2014 as **DR. BILLIE MORRIS WRIGHT ADAMS DAY** in Illinois.

Issued by the Governor October 22, 2014
Filed by the Secretary of State November 18, 2014

2014-464
#ILGiveBig Day

WHEREAS, #ILGiveBig is established as a statewide day of giving on the Tuesday following Thanksgiving; and,

WHEREAS, #ILGiveBig is the state campaign for #GivingTuesday, a global initiative to promote philanthropy and volunteerism; and,

WHEREAS, #ILGiveBig is a celebration of philanthropy and volunteerism wherein people give of their time or treasure; and,

WHEREAS, on #ILGiveBig residents of the State of Illinois will join with charitable organizations, foundations and private business to work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and,

WHEREAS, it is fitting and proper on #ILGiveBig and on every day to recognize the tremendous impact of philanthropy, social sector organizations, volunteerism, and community service in the State of Illinois; and,

WHEREAS, #ILGiveBig is an opportunity to encourage all residents to serve others throughout this holiday season and during other times of the year; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 2, 2014 as **#ILGIVEBIG DAY** in Illinois, and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

Issued by the Governor October 23, 2014
Filed by the Secretary of State November 18, 2014

2014-465
Mayor George Pradel Day

WHEREAS, the people of Illinois are served every single day by dedicated public servants in local government; and,

WHEREAS, one accomplished public servant is Naperville Mayor George Pradel, who moved to the city he now leads in 1939; and,

WHEREAS, Mayor George Pradel has an Associate Degree in Police Science from the College of DuPage, Glen Ellyn. Always a patriotic American, he served as a U.S. Marine from 1956 to 1959; and,

WHEREAS, Mayor George Pradel was in the Naperville Police Department for 29 years and retired from the position of Lieutenant of Police on April 30, 1995, before becoming Mayor; and,

WHEREAS, in addition to his duties as Mayor, Mayor George Pradel has been involved with many local and statewide organizations including the Illinois Tollway Authority, the Naperville Kiwanis Club, the DuPage County Police Association, and the DuPage Mayors and Managers Association. Notably, he is also the founder of Safety Town and the Naperville Marines; and,

WHEREAS, as a man of deep faith, Mayor George Pradel believes that service to others is the rent we pay to live on God's earth; and,

WHEREAS, Mayor George Pradel's work has undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues; and,

WHEREAS, as a result of Mayor George Pradel's leadership, the City of Naperville has undertaken many important initiatives designed to improve the well-being of the community; and,

WHEREAS, perhaps most importantly, Mayor George Pradel is a loving husband to his wife of over 50 years, Pat, and their three beautiful children: George, Gary, and Carol; and,

WHEREAS, today, the people of Illinois are pleased to recognize Mayor George Pradel for his contributions to the City of Naperville and our state; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 27, 2014, as **MAYOR GEORGE PRADEL DAY** in Illinois, in recognition of his remarkable career as a distinguished Marine, law enforcement professional, and Mayor.

Issued by the Governor October 23, 2014
Filed by the Secretary of State November 18, 2014

2014-466
Steve Megginson Day

WHEREAS, the people of Illinois are served every single day by dedicated public servants at park districts. These unsung heroes provide quality recreational opportunities for countless people across our state; and,

WHEREAS, one remarkable public servant is Steve Megginson, who, after serving in the position of Beardstown Park District Manager since 1986, will be retiring this year; and,

WHEREAS, Steve Megginson's departure from the Beardstown Park District offers an opportunity for all residents of Illinois to commend his honorable and dedicated service and reflect on his many accomplishments; and,

WHEREAS, Steve Megginson demonstrated passion at a young age for the outdoors. He graduated with honors from the University of Illinois at Champaign/Urbana in 1975 with a Parks and Administration Degree; and,

WHEREAS, prior to starting with the Beardstown Park District, Steve Megginson was employed from 1977 to 1986 as Director of the Virginia, Illinois Park System; and,

WHEREAS, during his tenure as Beardstown Park District Manager, Steve Megginson had a track record of providing excellent management, creative programming, prudent spending, and accountability to the community; and,

WHEREAS, one of Steve Megginson's most impressive accomplishments was generating community support and funding for a new pool in Beardstown; and,

WHEREAS, children who grew up in Beardstown greatly benefited from the youth programs that the park district offered under Steve Megginson's leadership; and,

WHEREAS, in addition to his commitment to enhancing the Beardstown Park District, Steve Megginson has always been active in his community, helping out numerous organizations including the Beardstown Lions Club, the Beardstown Kiwanis Club, the Beardstown United Way, the Beardstown Tourism and Recreation Committee, and the Land of Lincoln Workforce Investment Board; and,

WHEREAS, Steve Megginson's work has undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues. The mark that he leaves behind will serve as a foundation for the future of the Beardstown Park District; and,

WHEREAS, as a result of Steve Megginson's leadership, the Beardstown Park District reenergized its parks and other facilities to ensure a better quality of life for the community; and,

WHEREAS, in everything that he has done, Steve Megginson's work ethic has exemplified the dedication to service the citizens of the State of Illinois have come to expect and deserve; and,

WHEREAS, perhaps most importantly, Steve Megginson has been a loving husband to his wife Cathy; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 23, 2014, as **STEVE MEGGINSON DAY** in Illinois, and commend him on the important contributions that he has made to the people of Beardstown and the State of Illinois.

Issued by the Governor October 23, 2014
Filed by the Secretary of State November 18, 2014

2014-467
Native American Heritage Month

WHEREAS, long before the arrival of Europeans to North American shores, Native Americans settled and lived throughout the United States, including in the State of Illinois; and,

WHEREAS, Native Americans established tribes and confederations with sophisticated agricultural and hunting economies and social as well as political systems, which were designed to secure comfort within their communities; and,

WHEREAS, after the arrival of Europeans, many Native American communities were displaced, forcing them to assimilate into new cultures; and,

WHEREAS, many Native American communities are thriving today due to their creativity, hard work, and indomitable spirit; and,

WHEREAS, November marks the celebration of the ancestry and time-honored traditions of Native Americans in North America; and,

WHEREAS, the Native American community has added immeasurably to our cultural heritage, and demonstrated courage in the face of adversity, while distinguishing themselves as leaders, inventors, entrepreneurs, spiritual guides, and scholars. Our debt to our First Americans is immense, as is our responsibility to ensure their fair, equal treatment and honor the commitments made to their forebears; and,

WHEREAS, the State of Illinois is pleased to recognize Native Americans during the month of November; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim November 2014 as **NATIVE AMERICAN HERITAGE MONTH** in Illinois, in commemoration of contributions made by the Native American community, and I urge all residents of the State of Illinois to celebrate this month with appropriate programs and activities that recognize the history and accomplishments of Native Americans.

Issued by the Governor October 30, 2014
Filed by the Secretary of State November 18, 2014

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 49 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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