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May 15, 2015 Volume 39, Issue 20

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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 2015

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015

22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.105                      Proposed Action:  
Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (b) (8) and (c) (3) of that Act [230 ILCS 10/5 (b) (8), (c) (3)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking amends the provisions relating to meeting procedures contained in Riverboat Gambling Rule 105 ("Board Meetings") (86 Ill. Adm. Code 3000.105) in conformity with applicable provisions of the Open Meetings Act [5 ILCS 120], as follows:

*Counting members toward a quorum:* Section 2.01 of the Open Meetings Act [5 ILCS 120/2.01] allows a member of a public body to be counted as part of a quorum, even if not physically present, if:

The member participates by interactive videoconference from a public building (which may include one of the public body's offices), and

The public body provides public notice and public access for all locations at which its members will be present.

The present rulemaking incorporates these statutory provisions.

*Participation of Board members in excess of a quorum by video or audio conference:* Section 7 of the Open Meetings Act [5 ILCS 120/2.06] provides that when a quorum of members of a body is physically present, additional members of the body may participate by video or audio conferencing if they are "prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) family or other emergency." Such absentee participation is possible only in accordance with, and to the extent allowed by, the rules of the body. The present rulemaking authorizes attendance of Illinois Gaming Board ("IGB") members by audio or video conferencing, duplicating the statutory language on this subject.

*Duration of Public Comments:* Section 2.06 (g) of the Open Meetings Act [5 ILCS 120/2.06 (g)] provides that "[a]ny person shall be permitted an opportunity to address

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

public officials under the rules established and recorded by the public body." The proposed rule language establishes that the comments by each member of the public shall be limited to a reasonable period of time not to exceed five minutes, unless the Board gives permission for a longer presentation.

*Notice Requirement for Public Comments:* In Public Access Opinion 14-012, the Illinois Attorney General invalidated, as too restrictive, a rule of the McClean County Board requiring public commenters to give 5 business days' notice, with the county board allowed to waive this 5-day requirement by majority vote. The Attorney General held that Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06] "gives members of the public a right to address a public body, subject to the significant government interests of conserving time, ensuring that others have the opportunity to speak, and preserving decorum." The Attorney General did not specify, however, what would be a sufficiently short notice requirement for public commenters.

Currently, the IGB requests 5 days' notice from members of the public who wish to address the Board. Under the holding of Public Access Opinion 14-012, this is probably too long a time. Accordingly, it is proposed to shorten the required notice period to 2 days, subject to the Board's diminishment or waiver of the notice requirement.

The IGB's meeting agendas are published about 72 hours before open meetings. The shortened notice period thus will give public commenters the ability to learn the contents of a forthcoming meeting agenda before the deadline for requesting public comment has expired.

*Recording of meetings:* Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05] allows the recording of open proceedings by tape, film, or other means, and directs that "the authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings." The proposed rulemaking allows any person to photograph, tape, film, or otherwise record the open portion of Board meetings, provided that persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members to avoid interference with the Board's discussion.

*Cross-reference to video gaming rules:* Riverboat Gambling Rule 105 currently contains no reference to video gaming. The proposed rulemaking adds such a reference, thus clarifying that the provisions of this rule equally cover the video gaming portion of open Board meetings.

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Published studies and reports, and underlying sources of 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) Do these proposed rulemakings contain incorporations by reference? Yes. The amendments incorporate a reference to Section 7 of the Open Meetings Act [5 ILCS 120/7].
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Emily Mattison  
General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601

312/814-7137  
fax: 312/814-7253  
emily.mattison@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rulemaking will affect Board procedures applicable to small businesses, small municipalities, and not for profit corporations which address the Illinois Gaming Board during the open portion of a Board meeting.
  - B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

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

## SUBPART A: GENERAL PROVISIONS

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

## SUBPART B: LICENSES

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

## ILLINOIS GAMING BOARD

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

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

SUBPART D: HEARINGS ON NOTICE OF DENIAL,  
RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR  
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

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3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
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3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

## SUBPART E: CRUISING

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3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
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3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
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## NOTICE OF PROPOSED AMENDMENT

3000.635	Issuance and Use of Tokens for Gaming
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3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
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3000.660	Minimum Standards for Electronic Gaming Devices
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3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

## SUBPART G: EXCLUSION OF PERSONS

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART H: SURVEILLANCE AND SECURITY

## Section

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

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

## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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

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## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

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3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

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

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 3000.105 Board Meetings**

- a) The Board makes all of its decisions on adjudicatory cases and regulatory matters at public meetings of the Board noticed and held in accordance with the Open Meetings Act [5 ILCS 120]. The Board holds closed meetings pursuant to Section 2a of the Open Meetings Act [5 ILCS 120/2a].
- b) Final decisions of the Board may be made only at meetings held when a quorum, constituted by three members of the Board, is present. Three affirmative votes are required for any final decision of the Board. The presence of a quorum is required at a meeting in order for the Board to transact any business, perform any duty, or exercise any power that the Riverboat Gambling Act [230 ILCS 10] requires the Board to transact, perform or exercise en banc.
- c) A Board member shall be counted toward determining a quorum by being present in a public building, which may include one of the Board offices, and participating in the meeting through an interactive video conference, provided the Board gives public notice and public access for all locations in which participating Board members are present. (See Section 2.01 of the Open Meetings Act [5 ILCS 120]).
- de) Board Member Attendance

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) *If a quorum of the members of the Board is physically present, a majority of the Board may allow a Board member to attend that meeting by video or audio conference if the member is prevented from physically attending because of:*
    - A) *personal illness or disability;*
    - B) *employment purposes or the business of the public body; or*
    - C) *a family or other emergency.*
  - 2) *If a member wishes to attend a meeting by audio or video conferencing the member must notify the Board or its designated staff before the meeting unless advance notice is impractical. (Section 7 of the Open Meetings Act). Meetings may be held with Board members physically present or present telephonically.*
  - 3) In the event a Board member is present telephonically, the public session of such a meeting will be broadcast over a speakerphone that is open to the public at the Board meeting location~~Board's office in Chicago.~~
- ed) Section 5(b)(8) of the Riverboat Gambling Act [230 ILCS 10/5(b)(8)] requires the Board to meet at least once during each quarter of the fiscal year and allows the Board to hold other meetings pursuant to the Open Meetings Act ~~[5 ILCS 120]~~. The Chairman or any 2 members of the Board may call a special meeting of the Board upon giving 72 hours written notice to each Board member.
- fe) Requests for Board action initiated by licensees shall be given initial consideration by the Board at one meeting and be given final consideration by the Board at a subsequent meeting. However, upon motion, the Board may give immediate consideration to the action request.
- g) Members of the public shall be permitted to address the Board during the open portion of a Board meeting on matters relevant to the Board's functions, subject to the significant government interests of conserving time, ensuring that others have the opportunity to speak, and preserving decorum. The comments by each member of the public shall be limited to a reasonable period of time, not to exceed five minutes unless the Board gives permission. Members of the public shall provide at least 2 days' notice of intent to address the Board, unless the Board

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENT

diminishes or waives this notice requirement. (See Section 2.06(g) of the Open Meetings Act.)

- h) Any person shall be permitted to photograph, tape, film or otherwise record the open portions of Board meetings. Persons may be required to locate their cameras or other recording devices at a sufficient distance from the Board members as is necessary to avoid interference with the Board's discussion. (See Section 2.05 of the Open Meetings Act.)
- i) The provisions of this Section also apply to public meetings of the Board in which matters relating to video gaming under the Video Gaming Act [230 ILCS 40] are considered.

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Financial Assurance Requirements
- 2) Code Citation: 32 Ill. Adm. Code 326
- 3) Section Number: 326.40                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990, 420 ILCS 40/10
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment to update a cross-reference in correlation with an amendment to 32 Illinois Administrative Code 330.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.335: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Paralegal Assistant  
Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

1035 Outer Park Drive  
Springfield IL 62704

217/785-9860  
fax: 217/524-3698

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking will have no direct impact on small businesses, small municipalities, or not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 326

## FINANCIAL ASSURANCE REQUIREMENTS

## Section

326.10	Purpose and Scope
326.20	Incorporations by Reference
326.30	General Provisions
326.40	Definitions
326.50	Exemptions
326.60	Low-Level Radioactive Waste Licensees
326.70	Financial Assurance Amounts
326.80	Cost Estimates and Reclamation Plans
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326.APPENDIX F	Wording for Parent Company Guarantee Documents

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Adopted at 24 Ill. Reg. 7989, effective June 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20781, effective December 16, 2005; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 326.40 Definitions**

As used in this Part, the following definitions apply:

"Anniversary date" means the last day of the month for each year the license is in effect, which corresponds to the last day of the month in which the license expires.

AGENCY NOTE: For purposes of this Part, the 28<sup>th</sup> will be considered the last day of the month of February.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Cost estimate" means a licensee's evaluation of the costs associated with reclamation of a facility or site. Cost estimates are subject to Agency review and approval.

"Educational institution" means a non-profit organization that has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association Commission on Schools or the North Central Association Commission on Institutions of Higher Education.

"Financial assurance arrangement" means a method of guaranteeing that reclamation costs will be paid. A financial assurance arrangement consists of a surety bond, an irrevocable letter of credit, a certificate of deposit, a self-guarantee, a parent company guarantee, a combination of those arrangements or

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other financial arrangements approved in writing by the Agency.

"General licensee" means a person who possesses a generally licensed device as defined in this Section.

"Generally licensed devices" means gauges containing sealed sources equal to or greater than 37 MBq (1 mCi) of radioactive material possessed by persons licensed pursuant to 32 Ill. Adm. Code 330.220(a**b**).

AGENCY NOTE: Although general licensees may be required to provide information to the Agency, only general licensees possessing the types of devices defined in this Section are required to address financial assurance requirements specified in this Part.

"Major possessor" means a person who is licensed to use, possess or store radioactive material with half-lives greater than 275 days, as either sealed or unsealed sources in quantities exceeding the quantities specified in Appendix A of this Part.

"Reclamation" means decontamination of facilities and sites and disposal of radioactive material so that the property is returned to a state that no longer presents a radiological health or safety hazard to persons, or a threat to the environment.

AGENCY NOTE: For purposes of this Part, the term "reclamation" includes, but is not limited to, those activities necessary to decommission the licensed facility to allow termination of the license.

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

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
330.40	Amendment
330.220	Amendment
330.240	Amendment
330.280	Amendment
330.310	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking adds new categories of exempt devices; clarifies restrictions on sale or distribution of exempt items; adds language confirming practices for manufacturing, evaluation, quality assurance and registration of new products; and clarifies reporting requirements for manufacturers of tritium and promethium devices.  
  
These rules are required for compatibility with the U. S. Nuclear Regulatory Commission (NRC) pursuant to RATS ID 2012-3 and 2012-4 (77 FR 39899 published 7/6/2012 and 77 FR 43666 published 7/25/2012). The proposed amendments have been reviewed and approved by the NRC.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.335: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the

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proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704

217/785-9860  
fax: 217/524-3698

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking may have an effect on these entities if they possess a radioactive material license issued by the Agency.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

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## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 330

## LICENSING OF RADIOACTIVE MATERIAL

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Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

## SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

## SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

## SUBPART D: TRANSPORTATION

## Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 330.40 License Exemption – Radioactive Materials Other Than Source Material**

- a) Exempt Concentrations
  - 1) Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Appendix A provided they have been introduced or transferred as described in subsection (a)(2) or (3) ~~of this Section~~. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.
  - 2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under subsection (a)(1) or equivalent regulations of the U.S. Nuclear Regulatory Commission ([NRC](#)) (10 CFR 30.14) or an Agreement State, except in accordance with a specific license issued pursuant to Section 330.280(a).

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- 3) A manufacturer, processor or producer of a product or material is exempt from the requirements for a license set forth in this Part to the extent that person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Appendix A and introduced into the product or material by a licensee holding a specific license issued by the Agency expressly authorizing that introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
- b) Exempt Quantities
- 1) Except as restricted by subsections (b)(2) through (4), any person is exempt from this Part to the extent that person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Appendix B. Furthermore, any person is exempt from this Part to the extent that person possesses, uses, transfers or owns radioactive material that was received or acquired before September 25, 1971 under the general license then provided by the regulations of the U.S. Atomic Energy Commission (10 CFR 31.4) or the equivalent regulations of an Agreement State.  
  
AGENCY NOTE: Capsules distributed pursuant to 10 CFR 32.21 that contain carbon-14 urea are only authorized for "in-vivo" diagnostic use for humans. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license from the Agency. Nothing in this Section relieves persons from complying with applicable Federal and State requirements governing receipt, administration and use of drugs.
  - 2) This subsection (b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
  - 3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Appendix B, knowing or having reason to believe that such quantities of radioactive

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material will be transferred to persons exempt under this subsection (b) or equivalent regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State, except in accordance with a specific license issued by ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) pursuant to 10 CFR 32.18 or 32.21, or by the Agency pursuant to Section 330.280(b), which states that the radioactive material may be transferred by the licensee to persons exempt under this subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

- 4) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by the exemption in subsection (b)(1) so that the aggregate quantity exceeds the limits set forth in Appendix B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Part.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington ~~DC, D.C.~~ 20555.

- c) Exempt Items

- 1) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into, the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this Part to the extent that he or she receives, possesses, uses, transfers, owns or acquires the following products:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington ~~DC, D.C.~~ 20555.

- A) Timepieces or hands or dials containing not more than the

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following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

- i) 925 MBq (25 mCi) of tritium per timepiece;
  - ii) 185 MBq (5 mCi) of tritium per hand;
  - iii) 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);
  - iv) 3.7 MBq (100 microCi) of promethium-147 per watch or 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;
  - v) 740 kBq (20 microCi) of promethium-147 per watch hand or 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;
  - vi) 2.22 MBq (60 microCi) of promethium-147 per watch dial or 4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);
  - vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams/square centimeter of absorber: for wrist watches, 1 microGy (100 microrad)/hour at 10 centimeters from any surface; for pocket watches, 1 microGy (100 microrad)/hour at 1 centimeter from any surface; for any other timepiece, 2 microGy (200 microrad)/hour at 10 centimeters from any surface; or
  - viii) 37 kBq (1 microCi) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.
- B) Precision balances containing not more than 37 MBq (1 mCi) of tritium per balance or not more than 18.5 MBq (500 microCi) of tritium per balance part manufactured before December 17, 2007.

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- C) Marine compasses containing not more than 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 9.25 GBq (250 mCi) of tritium gas manufactured before December 17, 2007.
- D) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:
- i) 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 370 MBq (10 mCi) of tritium per any other electron tube;
  - ii) 37 kBq (1 microCi) of cobalt-60;
  - iii) 185 kBq (5 microCi) of nickel-63;
  - iv) 1.11 MBq (30 microCi) of krypton-85;
  - v) 185 kBq (5 microCi) of cesium-137; or
  - vi) 1.11 MBq (30 microCi) of promethium-147;

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed 10 microGy (1 mrad)/hour at 1 centimeter from any surface when measured through 7 milligrams/square centimeter of absorber.

AGENCY NOTE: For purposes of subsection (c)(1)(D), "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

- E) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

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- i) Each source contains no more than one exempt quantity set forth in Appendix B; and
- ii) Each instrument contains no more than 10 exempt quantities. For purposes of this requirement, an instrument's sources may contain one or more radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in Appendix B, provided that the sum of the fractions shall not exceed unity.

AGENCY NOTE: For purposes of subsection (c)(1)(E), 1.85 kBq (50 nCi) of americium-241 is considered an exempt quantity.

- F) Ionization chamber smoke detectors containing not more than 37 kBq (1 microCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.
  - G) Static elimination devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.
  - H) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
  - D) Devices described in subsections (c)(1)(G) and (H) authorized before October 23, 2015 for use under the general license then provided in Section 330.220(a) and manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Agency or the equivalent regulations of NRC or of an Agreement State.
- 2) Self-Luminous Products Containing Radioactive Material
- A) Tritium, Krypton-85 or Promethium-147. Except for persons who

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manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from this Part to the extent that person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license, issued by ~~NRC~~the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection (c)(2)(A) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. ~~NRC~~The U.S. Nuclear Regulatory Commission shall make this determination of exemption.

B) Any person who desires to manufacture, process, produce or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85 or promethium-147 for use under subsection (c)(2)(A) should apply for a license under 10 CFR 32.22 and for a certificate of registration pursuant to 10 CFR 32.210 with NRC.

CB) Radium-226. Any person is exempt from this Part to the extent that person receives, possesses, uses, transfers or owns articles containing less than 3.7 kBq (100 nCi) of radium-226 that were acquired prior to May 1, 1974.

3) Gas and Aerosol Detectors Containing Radioactive Material

A) Except for persons who manufacture, process, produce or initially transfer for sale and distribution gas and aerosol detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards. The detectors ~~shall be~~shall have been manufactured, ~~processed, produced~~imported or initially transferred in accordance with a specific license issued by ~~NRC~~the U.S. Nuclear Regulatory

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~~Commission~~ pursuant to 10 CFR 32.26 that authorizes transfer of the detectors to persons who are exempt from regulatory requirements and who have been issued a certificate of registration in accordance with 10 CFR 32.210 from NRC.

~~AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.~~

- B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State or a former Licensing State shall be considered exempt under subsection (c)(3)(A), provided that the device is labeled in accordance with the specific license and provided further that it meets the requirements of 10 CFR 32.26 in effect at the time of distribution. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by an Agreement State under comparable provisions to NRC's 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.

4) Certain Industrial Devices

- A) Except for persons who manufacture, process, produce or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in Section 81 of the Act and from 32 Ill. Adm. Code: Chapter II, Subchapters b and d to the extent that person receives, possesses, uses, transfers, owns or acquires byproduct material, in these certain detecting, measuring, gauging or

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controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced or initially transferred in accordance with a specific license issued under NRC's 10 CFR 32.30, which license authorized the initial transfer of the device for use under this Section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

- B) Any person who desires to manufacture, process, produce or initially transfer for sale or distribution industrial devices containing byproduct material for use under subsection (c)(4)(A), should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 10 CFR 32.210 from NRC.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.

d) Exempt Material

- 1) Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium (sum of radium-226 and radium-228 concentrations) less than or equal to 200 pCi/g (dry weight basis) are exempt from the licensing requirements provided they comply with this subsection (d). Persons producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with concentrations of total radium greater than 200 pCi/g (dry weight basis) are not exempt and shall comply with requirements in 32 Ill. Adm. Code 330.
- 2) The following individuals or entities producing or in possession of residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater with

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concentrations of total radium less than or equal to 200 pCi/g (dry weight basis) must register directly with the Agency:

- A) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium occurring naturally from groundwater; and
  - B) Owners and operators of Illinois Environmental Protection Agency (IEPA) permitted landfills if the residuals or sludge is disposed of in those landfills; and
  - C) Applicators who apply to agricultural lands residuals or sludge resulting from the treatment of water or sewage containing radium occurring naturally from groundwater; and
  - D) Any other person or entity that the Agency determines is required to register under the provisions of the Radiation Protection Act.
- 3) Owners and operators of facilities or plants that produce residuals or sludge resulting from the treatment of water or sewage and containing radium in concentration less than or equal to 200 pCi/g (dry weight basis) occurring naturally from groundwater will be exempt from the licensure and fee requirements of the Radiation Protection Act.
- 4) Residuals or sludge resulting from the treatment of water or sewage and containing naturally occurring radium from groundwater may be disposed of in accordance with the following provisions and the requirements of IEPA and the regulations of the Illinois Pollution Control Board (Title 35 of the Ill. Adm. Code: Subtitles C and G, and Part 391), as implemented by IEPA:
- A) If the level of radium in the residuals or sludge is less than or equal to 100 pCi/g (dry weight basis):
    - i) the residuals or sludge may be disposed of in an IEPA permitted landfill provided:
      - the residuals or sludge are covered during transportation; and

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- the residuals or sludge that are easily dispersible must be packaged or stabilized to prevent dispersion during transportation and/or landfill placement; and
  - there is at least 10 feet of non-contaminated overburden between the residuals or sludge and grade level (at the time of landfill closure).
- ii) the residuals or sludge may be used for soil conditioning purposes on agricultural crop land (e.g., corn, soybeans) provided:
- that use is in accordance with 35 Ill. Adm. Code 309.208; and
  - the concentration of the radium in the residuals or sludge (dry weight basis) shall be determined by laboratory analysis; and
  - the level of radium in the residuals or sludge and the application rate is such that, after the residuals or sludge is mixed with soil (for agricultural use), the cumulative increase of the total radium-226 and radium-228 combined concentration in the soil does not exceed 1.0 pCi/g (dry weight basis, an addition of 1778 microCi/acre); and
  - this increased limit applies to the sum of all land applications of residuals or sludge on a specific parcel of land; and
  - at no time shall the application of residuals or sludge result in the total radium concentration in the soil exceeding 3.0 pCi/g (the mean natural background as determined by the Agency of 2.0 pCi/g and the soil concentration increase limit of 1.0 pCi/g due to residuals or sludge application); and

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- the landowner or an authorized agent of the landowner must acknowledge, on a form issued by the Agency, that he or she is aware that residuals or sludge containing radium is being applied to the land (this acknowledgement must be updated as landownership changes); and
- prior to using a parcel of land for the application of residuals or sludge containing radium for the first time, the generator must determine the total radium concentration in the soil using the soil sampling protocol specified below:
  - Soil sample collection shall be conducted so as to be representative of the entire sludge application site. Soil Plow Zone – one soil sample shall be collected per 8 acres of sludge application site area to a depth of 12 inches. Each soil sample shall be taken as a homogenous mixture composed of at least 10 samples randomly collected within the 8 acre area; or
  - Sampling protocols in compliance with the 24th edition of the Illinois Agronomy Handbook as published by the University of Illinois Extension Service (with sampling depth increased to 12 inches) (Pubs Plus, 1917 South Wright Street, Champaign IL 61820, 217/333-2007, PubsPlus@illinois.edu, 2009); and
  - Testing protocol specified by the Agency; and

AGENCY NOTE: The Agency will develop and provide a guidance document on residuals and

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sludge sampling, acceptable analysis methods and Agency reporting requirements.

- lands used for the application must have a pH equal to or greater than 6.0, have a 6-inch soil layer with a minimum clay content of at least 18% within the top 5 feet and above bedrock and the groundwater level (as determined by the County Soil Survey Book), and a 6-inch layer with an organic content of at least 12 tons/acre within the top 5 feet and above bedrock and the groundwater level (as determined by site-specific testing); and
  - lands receiving residuals or sludge containing radium shall not be used for the cultivation of tobacco; and
  - when the cumulative increase of the radium concentration in the soil is determined by calculation to be 0.8 pCi/g or when the total radium in soil is calculated to be 2.8 pCi/g (based on initial testing and subsequent applications of residuals or sludge containing radium), the generator must repeat the soil sampling and analysis to determine the actual total radium concentration in the soil and report the findings to the Agency; and
  - when calculating the increase in radium concentration, a soil density value of 90 pounds/cubic foot and a mixing depth of 1 foot should be used.
- B) If the level of radium in the residuals or sludge is greater than 100 pCi/g (dry weight basis) and less than or equal to 200 pCi/g (dry weight basis):
- i) in accordance with 32 Ill. Adm. Code 340.1020, the method of disposal must be reviewed and approved by IEMA-DNS in advance; and

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- ii) the residuals or sludge may be disposed of in a licensed low-level radioactive waste disposal facility.
- 5) By June 1, 2011, all persons applying water treatment residuals or sewage treatment sludge containing radium to land in Illinois must sample fields currently being used for land application using a sampling and testing protocol specified by the Agency to determine the total radium concentration of the soil and report the findings to the Agency. Any field that has a total radium concentration greater than 3.0 pCi/g may no longer be used for the land application of water treatment residuals or sewage treatment sludge containing radium.
- 6) On an annual basis, each person producing water treatment residuals or sewage treatment sludge containing radium must report, in a manner specified by the Agency, the following:
- A) Persons who dispose of water treatment residuals or sewage treatment sludge containing radium in a landfill must report:
    - i) the quantity of residuals or sludge containing radium; and
    - ii) the concentration of radium (in pCi/g (dry weight basis)) contained in the residuals or sludge; and
    - iii) the date the residuals or sludge were disposed of in a landfill; and
    - iv) the name and location of the landfill receiving these residuals or sludge; and
    - v) any additional information deemed appropriate by the Agency.
  - B) Persons who land apply water treatment residuals or sewage treatment sludge containing radium must report:
    - i) the identification, location and background radium concentrations, as determined prior to use for land

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- application, of the field receiving the land application of residuals or sludge containing radium; and
- ii) the concentration of radium in pCi/g (dry weight basis) in the residuals or sludge; and
  - iii) the application rate in dry tons/acre; and
  - iv) the date of the land application; and
  - v) any additional information deemed appropriate by the Agency.
- 7) All analysis of residuals or sludge must be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the National Environmental Laboratory Accreditation Conference (NELAC) to perform radiological analysis, and concentration of radium will be determined by a method approved by the Agency.
- 8) Owners and operators of facilities that produce residuals or sludge that is land applied or disposed of in a landfill are not subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/4 and 13] and are not subject to the reporting requirements of Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste (32 Ill. Adm. Code 609) and Registration of Low-Level Radioactive Waste Generators (32 Ill. Adm. Code 620).
- 9) Owners and operators of facilities that produce residuals or sludge that is disposed of in a licensed low-level radioactive waste disposal facility are subject to the registration requirements specified in Section 4 and the fees specified in Section 13 of the Illinois Low-Level Radioactive Waste Management Act and are subject to the reporting requirements of 32 Ill. Adm. Code 609 and 620.

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

## SUBPART B: TYPES OF LICENSES

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**Section 330.220 General Licenses – Radioactive Material Other Than Source Material**~~a)~~ ~~Certain Devices and Equipment~~

- ~~1) A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that has been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.~~

~~AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.~~

- ~~2) Static Elimination Device. Devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium 210 per device.~~

~~a~~b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere

- 1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections ~~a~~b)(2) through (9), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
- 2) The general license provided by subsection ~~a~~b)(1) applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency pursuant to Section 330.280(d) or in accordance with the specifications contained in an

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equivalent specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (a)(2) or through a transfer made under subsection (a)(3)(L).

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.

- 3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (a)(1)~~of this Section~~:
  - A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;
  - B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:
    - i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
    - ii) A device containing only tritium or not more than 3.7 MBq (100 ~~μmicro~~Ci) of other beta and/or gamma emitting material or 370 kBq (10 ~~μmicro~~Ci) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
  - C) Shall assure that testing (including testing required by subsection

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(a)(3)(B)), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:

- i) In accordance with the instructions provided by the labels; or
  - ii) By a person holding an applicable specific license from the Agency, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;
- D) Shall maintain records showing compliance with the requirements of subsections (a)(3)(B), (C) and (H) and (a)(6)(B). The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (a)(1) shall retain these records as follows:
- i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (a)(3)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and
  - ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (a)(3)(C) shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and
  - iii) A record of transfer or disposal of a device in accordance with subsection (a)(3)(H) shall be retained for 5 years from the date of the recorded event; and

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AGENCY NOTE: Note that this record must be retained after transfer of the device.

- iv) A record of a quarterly physical inventory performed in accordance with subsection (a)(6)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;
- E) Shall immediately suspend operation of the device if there is a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 ~~nano~~Ci) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State to repair such devices. The device and any radioactive material from the device shall be disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material in the device or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken shall be furnished to the Agency within 30 days. As applicable, the following shall also be furnished to the Agency:
- i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 ~~nano~~Ci) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and
  - ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 ~~nano~~Ci) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;
- F) Shall not abandon the device containing radioactive material;

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- G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions;
- H) Shall transfer or dispose of the device containing radioactive material only:
- i) By export as provided by subsection (a**b**)(3)(G);
  - ii) By transfer to another general licensee as provided by subsection (a**b**)(3)(L);
  - iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) or an equivalent specific license issued by ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State;
  - iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State; or
  - v) As approved under subsection (a**b**)(3)(K);
- I) Shall furnish a written report to the Agency within 30 days after transferring, disposing of or redesignating the device containing radioactive material. The notification shall include:
- i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
  - ii) The name, address and license number of the transferee (license number not applicable if exported);
  - iii) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable if exported or redesignated);

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AGENCY NOTE: Subsection (ab)(3)(O) ~~of this Section~~ provides information about redesignation of administrative control over a device.

- J) Shall maintain a record of the transfer or disposal of the device as required by subsection (ab)(3)(D)(iii);
- K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (ab)(3)(H)(i) through (iv);
- L) Shall transfer the device to another general licensee only if:
  - i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (ab), a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or
  - ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;
- M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (ab)(3)(L)(i). The notification shall include:
  - i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
  - ii) The transferee's name and mailing address;
  - iii) The address of the transferee's location of use or storage of the device; and
  - iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (ab)(3)(N) to have knowledge of, and authority

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to take actions to ensure compliance with, the appropriate regulations and requirements;

- N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;
- O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:
  - i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;
  - ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection (a)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;
  - iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and
  - iv) Reports the new designation as required by subsection (a)(3)(I).
- 4) Any person who receives, acquires, possesses or uses a device identified in subsection (a)(4)(A) shall register with the Agency in accordance with subsection (a)(4)(B):
  - A) A person shall register with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (a)(1):

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- i) Devices (i.e., an electron capture detector, gauge, x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material, based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210; or
  - ii) A device containing a sealed source equal to or greater than 3.7 MBq (100  $\mu$ Ci) of strontium-90 or radium-226;
- B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (a)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (a)(4)(C);
- C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:
- i) The name and mailing address of the person;
  - ii) The name, title and phone number of the responsible individual designated by the person in accordance with subsection (a)(3)(N) as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;
  - iii) Information about each device meeting the criteria of subsection (a)(4)(A). This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation installation, and the calendar quarter and year the person received the device;
  - iv) The addresses of the locations of use or storage of the devices reported under subsection (a)(4)(C)(iii);

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AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.

- v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and
- vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b), and bankruptcy notification requirements are in Section 330.310(j).

- D) Any person who is required by subsection (a)(4) to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

- 5) A person from out of state who is generally licensed by ~~NRC~~ the U.S. Nuclear Regulatory Commission or an Agreement State with respect to a device identified in subsection (a)(4)(A) is exempt from the registration requirement in subsection (a)(4) if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.
- 6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (a)(1) shall limit storage of a device that is not in use to a maximum of 2 years.
  - A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage

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of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (a)(3)(B).

- B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (a)(6)(A) shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (a)(3)(D).

- 7) Failure of any person to comply with the requirements of this subsection (a) may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.
- 8) The general license described in subsection (a)(1) does not authorize the manufacture of devices containing radioactive material.
- 9) The general license described in subsection (a)(1) is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310 and 330.500 of this Part. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (a)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (a)(3)(E) and (a)(9) of this Section.

b) Luminous Safety Devices for Aircraft

- 1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
- A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and
- B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by NRC ~~the U.S. Nuclear~~

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~~Regulatory Commission~~, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53, published at 43 FR 6923, February 17, 1978, exclusive of subsequent amendments or editions.

- 2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection ~~(b)~~(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.
  - 3) This general license does not authorize the manufacture, assembly or repair of luminous safety devices containing tritium or promethium-147.
  - 4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.
  - 5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- ~~c~~) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.
- ~~d~~) Calibration and References Sources
- 1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections ~~(d)~~(4) and (5), americium-241 in the form of calibration or reference sources:
    - A) Any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material; and

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- B) Any person who holds a specific license issued by ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~ that authorizes the licensee to receive, possess, use and transfer special nuclear material.
- 2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (~~de~~)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.
- 3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (~~de~~)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.
- 4) The general licenses in subsections (~~de~~)(1) through (3) apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by ~~NRC~~~~the U.S. Nuclear Regulatory Commission~~ pursuant to 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or additions, or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency, an Agreement State or a former Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or editions.
- 5) The general licenses provided in subsections (~~de~~)(1) through (3) are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

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- A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5  $\mu$ Ci) of americium-241, 185 kBq (5  $\mu$ Ci) of plutonium or 185 kBq (5  $\mu$ Ci) of radium-226 in such sources;
- B) Shall not receive, possess, use or transfer such source unless the source or the storage container bears a label that includes the following statement or a statement that contains the information called for in this statement:

The receipt, possession, use and transfer of this source, Model \_\_\_\_, Serial No. \_\_\_\_\_, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) (RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

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Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

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- C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, [NRC](#)~~the U.S. Nuclear Regulatory Commission~~ or an Agreement State to receive the source;
- D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain

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americium-241, plutonium or radium-226 that might otherwise escape during storage; and

E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.

ef) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections ef(2) through (6), the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

A) Carbon-14, in units not exceeding 370 kBq (10  $\mu$ Ci) each.

B) Cobalt-57, in units not exceeding 370 kBq (10  $\mu$ Ci) each.

C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50  $\mu$ Ci) each.

D) Iodine-125, in units not exceeding 370 kBq (10  $\mu$ Ci) each.

E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131, in units not exceeding 370 kBq (10  $\mu$ Ci) each.

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- G) Iron-59, in units not exceeding 740 kBq (20  $\mu$ Ci) each.
  - H) Selenium-75, in units not exceeding 370 kBq (10  $\mu$ Ci) each.
- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (e~~f~~)(1) until he or she has filed the Agency form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency and received from the Agency a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency. The following information shall be furnished to the Agency on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":
- A) Name and address of the physician, veterinarian, clinical laboratory or hospital;
  - B) The location of use; and
  - C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (e~~f~~)(1) and that the tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
- 3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (e~~f~~)(1) shall comply with the following:
- A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (e~~f~~)(1), at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200  $\mu$ Ci).
  - B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

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- C) The general licensee shall use the radioactive material only for the uses authorized by subsection (e~~f~~)(1).
- D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Agency, ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
- E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (e~~f~~)(1)(E) as required by 32 Ill. Adm. Code 340.1010(a).
- 4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (e~~f~~)(1):
- A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) or in accordance with the provisions of a specific license issued by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under this subsection (e~~f~~) or its equivalent; and
- B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to

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human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

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Name of Manufacturer or Importer

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- 5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (ef)(1) shall report in writing to the Agency, any changes in the information furnished by the licensee in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.
- 6) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.

fg) Ice Detection Devices

- 1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50  $\mu$ Ci) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by ~~NRC~~the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Agency or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.
- 2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (fg)(1):

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- A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from [NRC](#) ~~the U.S. Nuclear Regulatory Commission~~ or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);
  - B) Shall assure that all labels affixed to the device at the time of receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and
  - C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.
- 3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.
- 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- [gh](#)) Certain Items and Self-Luminous Products Containing Radium-226
- 1) A general license is hereby issued to any person to acquire, receive, possess, use or transfer, in accordance with the provisions of this subsection ([gh](#)), radium-226 contained in the following products manufactured prior to November 30, 2007:
    - A) Antiquities originally intended for use by the general public. For the purposes of this subsection ([gh](#))(1)(A), antiquities means products originally intended for use by the general public and distributed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts and healing pads;

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- B) Intact timepieces containing greater than 37 kBq (1  $\mu$ Ci), nonintact timepieces and timepiece hands and dials no longer installed in timepieces;
  - C) Luminous items installed in air, marine or land vehicles;
  - D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and
  - E) Small radium sources containing no more than 37 kBq (1 $\mu$ Ci) of radium-226. For the purposes of this subsection (għ)(1)(E), "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources such as cloud chambers and spinthariscopes used in educational demonstrations, electron tubes, lightning rods, ionization sources, static eliminators or sources otherwise designated by the Agency.
- 2) Any person who acquires, receives, possesses, uses or transfers radioactive material under the general license in subsection (għ)(1) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use or transfer of radioactive material is within the terms of the general license. This exemption does not apply to any person specifically licensed under this Part.
- 3) Any person who acquires, receives, possesses, uses or transfers radioactive material in accordance with the general license in subsection (għ)(1):
- A) Shall notify the Agency within 30 days if there is any indication of possible damage to a product that could result in loss of radioactive material. The report shall provide a brief description of the event and the remedial action taken;
  - B) Shall not abandon a product containing radium-226. The product and any radioactive material from the product shall only be disposed of in accordance with subsection (għ)(3)(D);
  - C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615,

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December 23, 2008, exclusive of subsequent amendments or editions; and

- D) Shall dispose of a product containing radium-226 only in accordance with 32 Ill. Adm. Code 340.1010(a), or by transfer to a person specifically licensed under this Part to receive the radium-226 in the product, or as otherwise approved by the Agency in writing.
- 4) The general license in subsection (g~~h~~)(1) does not authorize the manufacture, assembly, disassembly, repair or import of a product containing radium-226, except that timepieces may be disassembled and repaired.

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

## SUBPART C: SPECIFIC AND GENERAL LICENSES

**Section 330.240 Filing Applications for Specific Licenses**

- a) Application requirements:
- 1) Applications for the issuance, renewal or amendment of specific licenses shall be filed in duplicate and in English.
- AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.
- 2) Applications for initial issuance, amendment and renewal of specific licenses shall be in the format prescribed by the Agency. Each application filed shall be complete with all requested information submitted, including all applicable attachments. The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements from the applicant or licensee to enable the Agency to determine whether the application should be granted or denied or whether an existing license should be modified or revoked in accordance with Section 330.500.

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- 3) Each application shall include all information required by this Part and any other Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, applicable to the requested authorizations.
- 4) An application may incorporate by reference information contained in previous applications, statements or reports filed with the Agency, provided such references are clear and specific.
- 5) Each application and each request for amendment shall be signed by the applicant, licensee, or a person duly authorized in writing to act for and on the licensee or applicant's behalf.
- 6) Each application shall identify the radiation safety officer. The proposed activities shall be under the same administrative control for radiation safety purposes and the same radiation protection program.
- 7) An application may request authority to receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive materials. The request can include one or more of these activities.
- 8) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source ~~shall either~~:
  - A) ~~Shall identify~~Identify the sealed source or device that contains a sealed source by manufacturer and model as registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210, or with an Agreement State or, for a source or device containing naturally occurring or accelerator-produced material, with a state under provisions comparable to 10 CFR 32.210; or
  - B) ~~Shall contain~~Contain the information identified in Section 330.280(m); or
  - C) ~~Shall describe~~Describe, for a sealed source or device containing ~~naturally occurring or accelerator-produced~~radioactive material manufactured prior to ~~October 23, 2015~~~~November 30, 2007~~, that is not registered with ~~NRC~~the U.S. Nuclear Regulatory Commission

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in accordance with 10 CFR 32.210 or with an Agreement State ~~or a former Licensing State~~ and for which the applicant is unable to provide the information described in Section 330.280(m)(~~3~~)(~~2~~)(~~B~~) ~~or (C)~~:

- i) The information required by Section 330.280(m)(~~3~~) concerning the source and, if applicable, the device; and
- ii) Sufficient additional information to demonstrate that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. The information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test; or-

D) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with Section 330.280(m)(7), may supply only the manufacturer, model number, radionuclide and quantity; or

E) If it is not feasible to identify each sealed source and device individually, may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

- 9) For each location to be listed on the license as an authorized use location, the applicant shall submit:
  - A) A statement that the applicant owns the facility where radioactive material is used or stored; or
  - B) A copy of a certified letter sent to the facility owner or authorized representative of the owner informing the owner that radioactive material is being or will be used or stored at the facility; or
  - C) A copy of a letter or statement from the facility owner or authorized representative of the owner indicating that the owner is

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aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: The Radiation Protection Act requires the Agency to provide written notice to a municipality of an application for a new license for a fixed location facility or a license amendment for a new location for a facility.

- 10) The applicant shall ensure that all applicable fees specified in 32 Ill. Adm. Code 331 are paid in full when due.
  - 11) The applicant shall address the Emergency Plan requirements of Section 330.250(e), when applicable.
- b) Review of application. When evaluating an application or request for amendment, the Agency shall consider:
- 1) The completeness of the application;
  - 2) The complexity, similarity and proximity of the proposed activities;
  - 3) The radiation protection program proposed by the applicant to ensure the protection of the licensee's personnel, the public and the environment;
  - 4) The qualifications and experience of the applicant's proposed Radiation Safety Officer and authorized users;
  - 5) The applicant's history of compliance; and
- c) Public access to information. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. Code 1076 and the requirements of the Freedom of Information Act [5 ILCS 140].

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

**Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material**

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- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations
- 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:
    - A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material and estimated concentration of the radioactive material in the product or material at the time of transfer; and
    - B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
  - 2) Each person licensed under this subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:
    - A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;

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- B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
  - C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and
  - D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.
- 3) The licensee shall file the report within 30 days after any of the following events:
- A) 5 years have passed since the preceding report was filed; or
  - B) The licensee has:
    - i) Filed an application for renewal of the license under Section 330.320; or
    - ii) Notified the Agency under Section 330.325(c) that the licensee has ended activities authorized under the license issued under this subsection (a).
- 4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under this subsection (a) during the reporting period, the report shall so indicate.
- 5) The licensee shall maintain the record of a transfer for a period of 1 year after the event has been included in a report to the Agency.
- 6) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.30 or 330.40(a) or the equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14) or of an

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Agreement State, except in accordance with a specific license issued pursuant to this subsection (a).

b) Licensing the Distribution of Radioactive Material in Exempt Quantities

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington ~~DC, D.C.~~ 20555.

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington ~~DC, D.C.~~ 20555.

d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(~~ab~~).

AGENCY NOTE: Subsection (o) describes requirements for radioactive material transfer reports and records.

1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(~~ab~~) or equivalent regulations of ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State will be approved if:

A) The applicant satisfies the general requirements of Section 330.250.

B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed

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uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:

- i) The device can be safely operated by persons not having training in radiological protection;
- ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in 1 year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and
- iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk; active  
 blood-forming organs; gonads or  
 lens of eye ..... 150 mSv (15 rem)

Hands and forearms; feet and ankles  
 or localized areas of skin averaged  
 over areas no larger than 1 square  
 centimeter..... 2 Sv (200 rem)

Other organs ..... 500 mSv (50 rem).

- C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency, that contain in a clearly identified and separate statement:
  - i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals

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may be identified in the label and used to provide this information;

- ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and
- iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

The receipt, possession, use and transfer of this device, Model\_\_\_\_, Serial No.\_\_\_\_, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

**CAUTION – RADIOACTIVE MATERIAL**

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

- D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.

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- E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i), published at 73 Fed. Reg. 42673, July 23, 2008, exclusive of subsequent amendments or editions bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material", and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.
- F) [The device has been registered in the Sealed Source and Device Registry in accordance with subsection \(m\)\(2\).](#)
- 2) Except as provided in this subsection (d)(2), the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed 6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed 3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at intervals longer than the above, the applicant shall include in the application sufficient information to demonstrate that such longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:
- A) Primary containment or source capsule;
- B) Protection of primary containment;
- C) Method of sealing containment;
- D) Containment construction materials;

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- E) Form of contained radioactive material;
  - F) Maximum temperature withstood during prototype tests;
  - G) Maximum pressure withstood during prototype tests;
  - H) Maximum activity of contained radioactive material;
  - I) Radiotoxicity of contained radioactive material; and
  - J) Operating experience with identical devices or similarly designed and constructed devices.
- 3) In the event the applicant desires that the general licensee under subsection 330.220(~~ab~~), or under equivalent regulations of ~~NRC~~ [the U.S. Nuclear Regulatory Commission](#) or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with such activity or activities and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).
- 4) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(~~ab~~). This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:
- A) A copy of Section 330.220(~~ab~~);

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AGENCY NOTE: If certain provisions of Section 330.220(~~ab~~) do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

- B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, 1220 and 1260;
  - C) A list of the services that may only be performed by a specific licensee;
  - D) Information on acceptable disposal options, including estimated costs of disposal; and
  - E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.
- 5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(~~ab~~) in the regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:
- A) A copy of the following regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#), exclusive of subsequent amendments or editions, or the equivalent regulations of an Agreement State. ~~NRC~~[The U.S. Nuclear Regulatory Commission](#) regulations are 10 CFR 31.5, published at 73 Fed. Reg. 42673, July 23, 2008, 10 CFR 31.2, published at 65 Fed. Reg. 79187, December 18, 2000, 10 CFR 30.51, published at 61 Fed. Reg. 24673, May 16, 1996, 10 CFR 20.2201, published at 67 Fed. Reg. 3585, January 25, 2002 and 10 CFR 20.2202, published at 63 Fed. Reg. 39483, July 23, 1998. If ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) regulations are provided to a prospective general licensee in lieu of

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applicable Agreement State regulations, they shall be accompanied by a note explaining that use of the device is regulated by the Agreement State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

- B) A list of the services that may only be performed by a specific licensee;
  - C) Information on acceptable disposal options, including estimated costs of disposal;
  - D) A statement of the policies of [NRCthe U.S. Nuclear Regulatory Commission](#) and most Agreement States to take escalated enforcement action for improper disposal; and
  - E) The name or title, address and phone number of the contact at [NRCthe U.S. Nuclear Regulatory Commission](#) or Agreement State regulatory agency from whom additional information may be obtained.
- 6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.
  - 7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E) ~~of this Section~~.
  - 8) If a license is to be terminated or if notification of bankruptcy is required by Section 330.310(j), a person licensed under this subsection (d) shall, upon request, provide to the Agency, [NRCthe U.S. Nuclear Regulatory Commission](#) or an Agreement State the records of final disposition required by subsection (o)(8) ~~of this Section~~.
- e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft

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- 1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(~~be~~) will be approved if:
  - A) The applicant satisfies the general requirements specified in Section 330.250; and
  - B) The applicant satisfies the requirements of the following regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission, exclusive of subsequent amendments or editions, or their equivalent. The regulations are 10 CFR 32.53, published at ~~7743~~7743 Fed. Reg. ~~436936923~~436936923, ~~July 25, 2012~~February 17, 1978, 10 CFR 32.54, published at 63 Fed. Reg. 39483, July 23, 1998 ~~and~~and, 10 CFR 32.55, published at ~~7739~~7739 Fed. Reg. ~~4369326397~~4369326397, ~~July 25, 2012~~July 19, 1974 and 10 CFR 32.101, published at ~~30 Fed. Reg. 8192~~30 Fed. Reg. 8192, ~~June 26, 1965~~June 26, 1965.
- 2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(~~be~~) or equivalent regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the Agency.
- 3) Each person licensed under this subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, by an appropriate method listed in 32 Ill. Adm. Code 310.110, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b). The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each

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kind of device. Each report must cover the year ending June 30 and must be filed by July 30. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report must so indicate.

- f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(~~de~~). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(~~de~~) will be approved if:
- 1) The applicant satisfies the general requirements of Section 330.250; and
  - 2) The applicant satisfies the requirements of 10 CFR 32.57, published at 77 Fed. Reg. 43693, July 25, 2012~~73 Fed. Reg. 42674, July 23, 2008~~, and 10 CFR 70.39, published at 43 Fed. Reg. 6925, February 17, 1978. The applicant shall also certify that it will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58 and, 32.59 ~~and 32.102~~, published at 77 Fed. Reg. 43694, July 25, 2012~~72 Fed. Reg. 55929, October 1, 2007~~, exclusive of subsequent amendments or editions.
- g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(~~ef~~), or equivalent regulations of NRC~~the U.S. Nuclear Regulatory Commission~~ or an Agreement State, will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
  - 2) The radioactive material is to be prepared for distribution in prepackaged units of:
    - A) Carbon-14 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
    - B) Cobalt-57 in units not exceeding 370 kBq (10  $\mu$ Ci) each.

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- C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50  $\mu$ Ci) each.
  - D) Iodine-125 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
  - E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
  - F) Iodine-131 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
  - G) Iron-59 in units not exceeding 740 kBq (20  $\mu$ Ci) each.
  - H) Selenium-75 in units not exceeding 370 kBq (10  $\mu$ Ci) each.
- 3) Each prepackaged unit bears a durable, clearly visible label:
- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10  $\mu$ Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50  $\mu$ Ci) of hydrogen-3 (tritium); 740 kBq (20  $\mu$ Ci) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and
  - B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words, "CAUTION – RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".
- 4) The following statement, or a statement that contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt,

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acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

- 5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing ~~that such~~ radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a) or the equivalent regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State.
- h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(~~fg~~) will be approved if:
  - 1) The applicant satisfies the general requirements of Section 330.250; and
  - 2) The criteria of 10 CFR 32.61 ~~and, published at 58 Fed. Reg. 67660, December 22, 1993,~~ 32.62, ~~both~~ published at ~~7743~~ Fed. Reg. ~~436946923,~~ ~~July 25, 2012~~February 17, 1978, and 32.103, published at 30 Fed. Reg. 9906, August 10, 1965, exclusive of subsequent amendments or editions, are met.
- i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:
  - 1) The applicant satisfies the general requirements specified in Section 330.250;
  - 2) The applicant submits information showing that:

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- A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act (21 USC 301) or the Public Health Service Act (42 USC 201 et seq.); or
- B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees; and
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.
- j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of ~~thosesueh~~ reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have ~~thosesueh~~ reagent kits approved by the Agency for use by persons licensed pursuant to Section

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330.260(a), (b) or (c) for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant submits evidence that:
  - A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or
  - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and
- 5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:
  - A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and
  - B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to

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Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

- k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) or (b) for use as a calibration, transmission or reference source in 32 Ill. Adm. Code 335.2040 or for the uses listed in 32 Ill. Adm. Code 335.2140, 335.6010, 335.7010 and 335.8010 will be approved if:
- 1) The applicant satisfies the general requirements in Section 330.250;
  - 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
    - A) The radioactive material contained, its chemical and physical form and activity;
    - B) Details of design and construction of the source or device;
    - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;
    - D) For devices containing radioactive material, the radiation profile of a prototype device;
    - E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;
    - F) Procedures and standards for calibrating sources and devices;

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- G) Legend and methods for labeling sources and devices as to their radioactive content; and
  - H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that is referenced on the label;
- 3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "Caution Radioactive Material", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of [NRC](#) ~~the~~ [U.S. Nuclear Regulatory Commission](#) or an Agreement State, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;
  - 4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source; ~~and~~
  - 5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:
    - A) Primary containment or source capsule;
    - B) Protection of primary containment;

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- C) Method of sealing containment;
- D) Containment construction materials;
- E) Form of contained radioactive material;
- F) Maximum temperature withstood during prototype tests;
- G) Maximum pressure withstood during prototype tests;
- H) Maximum activity of contained radioactive material;
- I) Radiotoxicity of contained radioactive material;
- J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and
- K) Proposed use of source; and;

6) [The source or device has been registered in the Sealed Source and Device Registry in accordance with subsection \(m\)\(2\).](#)

- 1) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.  
An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) or equivalent regulations of ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
  - 2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, use or transfer of the depleted uranium in the

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product or device will not cause any individual to receive in any period of 1 year a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefit to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.
- 4) The Agency will deny any application for a specific license under this subsection (1) if the end uses of the industrial product or device cannot be reasonably foreseen.
- 5) Each person licensed pursuant to this subsection (1) shall:
  - A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;
  - B) Label or mark each unit to:
    - i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and
    - ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State;
  - C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

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- D) Furnish:
- i) A copy of the general license contained in Section 330.210(d) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(d); or
  - ii) A copy of the general license contained in ~~NRC's the U.S. Nuclear Regulatory Commission's~~ or Agreement State's regulation equivalent to Section 330.210(d) and a copy of ~~NRC's the U.S. Nuclear Regulatory Commission's~~ or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State, with a note explaining that use of the product or device is regulated by ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State under requirements substantially the same as those in Section 330.210(d);
- E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d). The report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) during the reporting period, the report shall so indicate;

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- F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the Agency and the general licensee, the type and model number of the device transferred and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:
- i) To ~~NRC the U.S. Nuclear Regulatory Commission~~ all transfers of industrial products or devices to persons for use under ~~NRC the U.S. Nuclear Regulatory Commission~~ general license in 10 CFR 40.25;
  - ii) To the responsible state agency all transfers of devices manufactured and distributed pursuant to this subsection (l) for use under a general license in that state's regulations equivalent to Section 330.210(d);
  - iii) To ~~NRC the U.S. Nuclear Regulatory Commission~~ if no transfers have been made by the licensees during the reporting period;
  - iv) To the responsible Agreement State agency upon the request of that agency if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) Keep records showing the name, address and point of contact for each general licensee to whom ~~the licensee~~ transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) or equivalent regulations of ~~NRC the U.S. Nuclear Regulatory Commission~~ or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred and compliance with the report requirements of this subsection (l).

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- m) Special Requirements for License to Manufacture, ~~Import~~ or Initially Distribute Sealed Sources or Devices Containing Sealed Sources ~~to Persons Having a Specific License.~~
- 1) An application for license to manufacture, ~~import~~ or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:
    - A) The applicant satisfies the general requirements specified in Section 330.250;
    - B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400.
  - 2) Any manufacturer, ~~importer~~ or initial distributor of a sealed source or device containing a sealed source ~~whose product is intended for use under a specific license~~ may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the ~~NRC U.S. Nuclear Regulatory Commission~~ "Registry of Radioactive Sealed Sources and Devices".
    - ~~A) A request for evaluation of a sealed source or device containing a sealed source shall be submitted in English and in duplicate. The request shall include information required by subsection (m)(2)(B) or (C), as applicable, demonstrating that the radiation safety properties of the source or device will not endanger public health and safety or property.~~
    - ~~B) A request for evaluation of a sealed source shall include the following radiation safety information:~~
      - ~~i) Proposed uses for the sealed source;~~
      - ~~ii) Chemical and physical form and maximum quantity of radioactive material in the sealed source;~~

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- iii) ~~Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;~~
  - iv) ~~Details of construction of the sealed source, including a description of materials used in construction;~~
  - v) ~~Radiation profile of a prototype sealed source;~~
  - vi) ~~Procedures for and results of prototype testing;~~
  - vii) ~~Details of quality control procedures to be followed in manufacture;~~
  - viii) ~~A description or facsimile of labeling to be affixed to the sealed source;~~
  - ix) ~~Leak testing procedures; and~~
  - x) ~~Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the sealed source, as required by Section 330.250.~~
- C) ~~A request for evaluation of a device containing a sealed source shall include the following radiation safety information:~~
- i) ~~Proposed uses for the device;~~
  - ii) ~~Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;~~
  - iii) ~~Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;~~
  - iv) ~~Details of construction of the sealed source, including a description of materials used in construction;~~
  - v) ~~Radiation profile of a prototype device;~~

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- vi) ~~Procedures for and results of prototype testing;~~
  - vii) ~~Details of quality control procedures to be followed in manufacture;~~
  - viii) ~~A description or facsimile of labeling to be affixed to the device;~~
  - ix) ~~Leak testing procedures;~~
  - x) ~~A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;~~
  - xi) ~~Information about installation, service and maintenance procedures;~~
  - xii) ~~Handling, operating and safety instructions; and~~
  - xiii) ~~Any additional information, including experimental studies and tests, required by the Agency to facilitate a determination of the safety of the device as required by Section 330.250.~~
- D) ~~When evaluating a sealed source or device, the Agency will apply the radiation safety criteria described in 10 CFR 32.210(d), published at 73 Fed. Reg. 5719, January 31, 2008, exclusive of subsequent amendments or editions.~~
- E) ~~The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:~~
- i) ~~The statements and representations, including the quality control program, described in the request; and~~
  - ii) ~~The provisions of the evaluation sheet prepared by the Agency and submitted to the U.S. Nuclear Regulatory Commission for filing in the "Registry of Radioactive Sealed Sources and Devices".~~

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- 3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and the device's potential hazards to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.
- 4) The Agency normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the Agency formulates reasonable standards and criteria with the help of the manufacturer or distributor. The Agency shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Other subsections of this Section have specific criteria that apply to certain products.
- 5) After completion of the evaluation, the Agency issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license, as applicable, for the category of certificate.
- 6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:
  - A) The statements and representations, including quality control program, contained in the request; and
  - B) The provisions of the registration certificate.
- 7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:

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- A) Calibration and reference sources containing no more than:
- i) 37 MBq (1mCi), for beta and/or gamma emitting radionuclides; or
  - ii) 0.37 MBq (10 $\mu$ Ci), for alpha emitting radionuclides; or
- B) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form, in the case of unregistered sources, or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and
- i) The intended recipients are licensed under Section 330.270 or comparable provisions of NRC or an Agreement State; or
  - ii) The recipients are authorized for research and development; or
  - iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.
- 8) After the certificate is issued, the Agency may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Agency will complete its evaluation in accordance with criteria specified in this Section. The Agency may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.
- 9) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued

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by the Agency shall request inactivation of the registration certificate. The request must be made to the Agency by an appropriate method listed in 32 Ill. Adm. Code 310.110 and must normally be made no later than two years after initial distribution of all the sources or devices covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than 2 years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days after this determination and briefly describe the circumstances of the delay.

- 10) If a distribution license is to be terminated in accordance with Section 330.325, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Agency will terminate the license. A request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.
  - 11) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer the sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.
- n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 and:
- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
  - 2) The following statement, or a statement that contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

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This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

- o) Material Transfer Reports and Records  
Each person licensed under subsection (d) to distribute devices to generally licensed persons shall comply with the requirements of this subsection (o).
  - 1) The person shall report:
    - A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(~~ab~~) or the equivalent regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State;
    - B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(~~ab~~) or the equivalent regulations of ~~NRC~~[the U.S. Nuclear Regulatory Commission](#) or an Agreement State;
    - C) To the Agency if no transfers were made to or from general licensees during the reporting period; and
    - D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.
  - 2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report", or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter and shall clearly indicate the period covered.
  - 3) For a transfer to a general licensee, the report shall provide:

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- A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;
  - B) The name, title and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
  - C) The date of transfer;
  - D) The type, model and serial number of the device transferred; and
  - E) The radionuclide and activity contained in the device.
- 4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.
- 5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.
- 6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.
- 7) The report shall clearly identify the person licensed under subsection (d) that is furnishing the report and shall include the person's specific license number.
- 8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (o).

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These records shall be maintained for 5 years following the recorded event.

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

**Section 330.310 Terms and Conditions of Specific and General Licenses**

- a) Each specific or general license issued pursuant to this Part shall be subject to all applicable license conditions, provisions of the Act ~~[420 ILCS 40]~~, and all applicable rules, regulations and orders of the Agency.
- b) Each person granted a general license by this Part shall provide information required by the Agency to track the location and use of generally-licensed radioactive material. ~~The~~Such information shall be in the format prescribed by the Agency, shall be complete and accurate, and shall be due within the time frame indicated on the notification. In accordance with 32 Ill. Adm. Code 310.50, the Agency may inspect and investigate premises, operations or personnel and have access to or copy records:
  - 1) Of a person who fails to provide information as required by this subsection (b); or
  - 2) For the purpose of evaluating past, current or potential hazards to the public health, workers or the environment resulting from radiation.
- c) No specific license issued or granted to any person pursuant to this Part and no right to possess or use radioactive material granted to any person by any specific license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the specific license to any other person unless the Agency, after securing full information, first:
  - 1) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act; and
  - 2) Consents in writing to the proposed transfer, assignment or disposal.

AGENCY NOTE: Agency consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written

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consent may subject the purported transferor or assignor to penalties for violating this Section. Likewise, a purported transferee or assignee may also be subject to penalties if it does not have a valid specific license and possesses radioactive material or performs activities requiring a valid specific license.

- d) Upon approval from the Agency under subsection (c)(2) ~~of this Section~~ for transfer, assignment or disposal of a specific license, the transferor shall ensure the following information is provided to the transferee:
- 1) The radioactive material license and all documents referenced in the license;
  - 2) Records maintained in accordance with 32 Ill. Adm. Code 340, Subpart L, inventory records, and any other records required by subsections (k) and (l) ~~of this Section~~; and
  - 3) Any other information required by the Agency pursuant to the approval granted.
- e) Each person licensed by the Agency pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.
- f) Each person issued a specific license pursuant to this Part shall maintain the license in accordance with the requirements of Section 330.320 ~~of this Part~~.
- g) When temporary jobsites are authorized on a specific license, radioactive material may be used at temporary jobsites, in areas not under exclusive federal jurisdiction, throughout the State of Illinois.

AGENCY NOTE: Authorization for use of byproduct radioactive materials at jobsites under exclusive federal jurisdiction must be obtained from ~~NRC~~ [the U.S. Nuclear Regulatory Commission](#), either by filing an NRC Form-241 in accordance with 10 CFR 150.20(b), "Recognition of Agreement State Licenses", or by applying for a specific license from ~~the~~ NRC. Also, specific licenses issued by the Agency do not authorize activities in other states. Before radioactive materials can be used at a temporary jobsite in another state, a license must be obtained from the appropriate state or federal regulatory agency.

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h) Each person issued a specific license pursuant to this Part shall apply for an appropriate license amendment not later than 30 days after a Radiation Safety Officer permanently discontinues performance of duties under the license.

i) Notification

1) Each specific licensee shall notify the Agency in writing not later than 60 days after principal activities involving the use of radioactive materials, other than sealed sources, at the site or in a separate building or outdoor area have not occurred for a period of 2 years, and the licensee has not decontaminated the site or area.

AGENCY NOTE: Principal activities are those originally authorized on the license for that site or location. For example, licensees could not store radioactive material in an otherwise unused building to avoid end-of-use decommissioning, unless storage was a principal activity for that building.

2) This notification shall include a description of the location of the site, building or outdoor area and a plan for reclaiming or decommissioning these facilities (including a proposed schedule) for release in accordance with applicable regulations. The notification shall include an evaluation of any changes, if required, to financial assurance arrangements submitted in accordance with 32 Ill. Adm. Code 326. Upon approval of the plan by the Agency, implementation shall begin within 6 months and be completed within 24 months after approval (unless the Agency approves a different schedule).

AGENCY NOTE: 32 Ill. Adm. Code 340.1310 requires licensees to notify the Agency no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with radioactive material.

j) Notification of Bankruptcy

1) Each specific or general licensee shall notify the Agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:

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- A) The licensee;
  - B) An entity (as the term is defined in 11 USC 101(1514)) controlling the licensee or listing the license or licensee as property of the estate; or
  - C) An affiliate (as the term is defined in 11 USC 101(2)) of the licensee.
- 2) This notification shall indicate:
- A) The bankruptcy court in which the petition for bankruptcy was filed;
  - B) The date of the filing of the petition;
  - C) The chapter under which the bankruptcy petition has been filed;
  - D) The name, address and phone number of the bankruptcy trustee (if a trustee has been named at the time of the notification);
  - E) Whether the licensed radiation source remains in the possession and control of the licensee and whether any change in possession or control is expected or contemplated;
  - F) The name of the person in possession and control of the licensed radiation source if the licensee no longer maintains possession or control; and
  - G) Whether the Agency has been named in the bankruptcy petition either as a creditor or in some other capacity.
- k) Recordkeeping Requirements for Potentially Contaminated Areas. Except for areas containing only sealed sources, provided the sources have not leaked, or no contamination remains after any leakage, and except for areas where only radioactive materials with half-lives less than 90 days were used or stored, each specific licensee shall keep:
- 1) Records of spills or other unusual occurrences involving the spread of

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contamination in and around the facility, equipment or site, when contamination remains after any cleanup procedures or when there is reasonable likelihood the contaminants may have spread to inaccessible areas (as in the case of possible seepage into porous materials such as concrete). These records must include the location and any known information on identification of involved radionuclides, quantities, chemical and physical forms, and concentrations.

- 2) Drawings and subsequent modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, such as buried or enclosed pipes, that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- 1) Each licensee shall maintain the following records, if applicable:
    - 1) Records of all areas where low-level radioactive wastes were buried, including areas previously authorized by and documented pursuant to 10 CFR 20.2108.
    - 2) Records of the Agency-approved cost estimate for the amount certified for reclaiming and the associated reclamation plan, for licensees required by 32 Ill. Adm. Code 326 to secure financial assurance arrangements.
    - 3) All records required to be maintained pursuant to 32 Ill. Adm. Code Chapter II, Subchapters b and d.
  - m) To lawfully obtain termination for a specific license, each licensee shall meet the termination requirements of this Part.

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

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- 1) Heading of the Part: Fees for Radioactive Material Licensees
- 2) Code Citation: 32 Ill. Adm. Code 331
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
331.120	Amendment
331.APPENDIX E	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990, 420 ILCS 40/10 and 11
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing these amendments to update references in correlation to an amendment to 32 Illinois Administrative Code 330.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.335: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Paralegal Assistant

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Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704

217/785-9860  
fax: 217/524-3698

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking may have an effect on those entities that have hold a radioactive material license with the Agency.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

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## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 331

## FEES FOR RADIOACTIVE MATERIAL LICENSEES

## Section

331.10	Purpose
331.20	Scope
331.30	Definitions
331.110	Exemptions
331.115	Radioactive Material Recovery and Remediation Fee
331.120	Payment of Fees
331.125	Implementation (Repealed)
331.130	Refunds of Full Cost Recovery Deposits
331.200	Full Cost Recovery
331.210	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.310	Failure by Applicant or Licensee to Pay Prescribed Fee
331.APPENDIX A	Schedule of License Fees (Repealed)
331.TABLE A	License Fees – Jan. 1, 1988-Dec. 31, 1988 (Repealed)
331.TABLE B	License Fees – Jan. 1, 1989-Dec. 31, 1989 (Repealed)
331.TABLE C	License Fees – Jan. 1, 1990-Dec. 31, 1990 (Repealed)
331.APPENDIX B	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX C	Fee Schedule For Sealed Source And Device Evaluations (Repealed)
331.APPENDIX D	Fee Schedule For Radioactive Material Licenses (Repealed)
331.APPENDIX E	Primary Material Use Categories for Radioactive Material Licensees
331.APPENDIX F	Fee Schedule for Radioactive Material Licensees

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at 18 Ill. Reg. 12131, effective August 1, 1994; emergency amendment at 21 Ill. Reg. 4309, effective March 19, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10968, effective July 28, 1997; amended at 22 Ill. Reg. 6951, effective April 1, 1998; amended at 23 Ill. Reg. 5585, effective April 23, 1999; amended at 25

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Ill. Reg. 8266, effective July 1, 2001; amended at 26 Ill. Reg. 14274, effective September 16, 2002; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 33 Ill. Reg. 4298, effective March 9, 2009; amended at 36 Ill. Reg. 17387, effective November 30, 2012; amended at 37 Ill. Reg. 20225, effective December 9, 2013; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 331.120 Payment of Fees**

Fees shall be assessed and paid as follows:

- a) For categories of specific licenses that are shown to have an annual fee in Appendix F, applicants and licensees shall be billed as described in this subsection (a). Payment is due within 60 days after the date of billing. Fees shall be assessed as follows:
  - 1) Annual fees: Unless a license or amendment application is exempt under Section 331.110, or the license fee is to be based on full cost recovery (see Appendix F), each licensee shall be assessed the fees specified in Appendix F for the primary material use category authorized by the license annually.
  - 2) Annual remote site fee: For each remote site listed on a specific radioactive material license, where radioactive material is stored or used under the same license, the applicant shall annually be assessed the amount specified in Appendix F for each remote site that corresponds to the highest material use category authorized by the license for each site.
  - 3) Changing the primary material use category or a remote site category. An application for amendment to a materials license that would change the primary material use category or a remote site category to a new category with a higher fee shall be assessed fees for the incremental difference between the applicable annual fees and the portion of the billing year remaining from the time the amendment is approved by the Agency.
  - 4) The annual and remote site fees listed in Appendix F are nonrefundable, and are assessed based on a 12 month period.
  - 5) Applicants requesting new licenses shall be assessed fees for the applicable Primary category as specified in Appendix F. Applicants shall

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be assessed fees for the portion of the billing year remaining from the time the application is received in the Agency to the end of the billing year.

- 6) An educational institution (as defined in Section 331.30) that seeks or has a license authorizing possession and use of radioactive material for human use or veterinary use, or remunerated leak testing or instrument calibration services to others shall pay 100% of the highest primary material use category for which a fee is due.
- b) Recovery and remediation fees listed in Appendix F are nonrefundable and shall be billed along with the new license application fee described in subsection (a)(5) of this Section. The second installment, if required by Section 331.115, shall be assessed at the next billing date.
- c) For categories of licenses that have fees based on full cost recovery, as listed in Appendix F, fees shall be assessed for all new applications, evaluations, inspections, amendments (including amendments to terminate or renew a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at those properties. Fees based on full cost recovery shall be assessed as follows:
  - 1) A licensee or applicant shall be assessed the deposit prescribed in Appendix F when the first application is received by the Agency after July 1, 2001. Licensees that already have adequate deposits on file with the Agency shall not be required to resubmit a deposit except for sealed source or device evaluations as indicated in subsection (d) ~~of this Section~~. This deposit shall be held by the Agency until a new license request has been denied by the Agency or withdrawn by the applicant, or an existing license is terminated. The deposit shall be refunded in accordance with Section 331.130.
  - 2) The licensee may be billed quarterly, or when the Agency has incurred unpaid full cost expenses (as defined in Section 331.200(c)) in excess of the amount of the deposit, or upon completion of a license action (such as an amendment or renewal). Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.

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- d) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500. The applicant shall be billed or issued a refund upon the completion of the review. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of billing.
- e) For evaluations of financial assurance reclamation plans and cost estimates submitted to the Agency, fees for Agency review shall be assessed based on the full cost of review time in excess of two hours. Payment is due within 60 days after the date of billing.
- f) For categories of licenses not exempted in Section 331.110, and licenses not subject to full cost recovery as described in Appendix F, full cost recovery fees shall be assessed for Agency confirmatory measurements and Agency assessment of decommissioning and decontamination activities associated with the termination of a license or use of a site. The licensee shall be billed upon the completion of the assessment and prior to removal of a site from the license or termination of the license. Each bill shall identify the actions and the costs related to each. Payment is due within 60 days after the date of the billing.
- g) General license fees. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The Agency shall assess fees:
- 1) Annually to each person who receives, acquires, possesses or uses a prepackaged unit for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(~~ef~~)(1); and
  - 2) Annually to each person who receives, acquires, possesses or uses a generally licensed device and is required to register pursuant to 32 Ill. Adm. Code 330.220(~~ab~~)(4).
- h) Sealed source and device evaluation maintenance fee. Each person having an active sealed source or device evaluation on file with the Agency, except for custom sealed source and device evaluations, shall be billed the amount specified in Appendix F annually for each active evaluation sheet on file with the Agency. Fees are nonrefundable and payment is due within 60 days after the date of the

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billing.

- i) Reciprocity fees. Each person generally licensed under 32 Ill. Adm. Code 330.900 for reciprocal recognition of an out-of-state specific license shall be assessed fees for the applicable annual license fee for the primary material use category indicated in Appendix F. Fees are nonrefundable and payment is due within 60 days after the date of the billing. The assessed billing period shall be for the 12 consecutive months following the licensee's first use under the general license. If, at the end of the 12 month period, the licensee is not using the general license, no additional fees are due until licensed activities commence again.

AGENCY NOTE: Reciprocity licensees are also subject to recovery and remediation fees specified in Section 331.115.

- j) Fee payments. Payments shall be by check or money order made payable to the Illinois Emergency Management Agency.

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

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**Section 331.APPENDIX E Primary Material Use Categories for Radioactive Material Licensees**Fee Category                      Primary Material Use Category DescriptionMANUFACTURING/DISTRIBUTION

- 201A.                      Broad Scope Manufacturing and/or Distributions – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, nuclear pharmacy operations, or manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
- 201B.                      Specific Manufacturing and /or Distribution – licenses for possession and use of greater than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30.
- 201C.                      Nuclear Pharmacy and Limited Manufacturing and/or Distribution – this category of radioactive material licenses addresses two similar types of licenses, either:
- i)                      nuclear pharmacy licenses for possession, use and distribution of radiopharmaceuticals and sealed sources to persons authorized pursuant to 32 Ill. Adm. Code 335; or
  - ii)                      Licenses for possession and use of not more than 37 GBq (1 Ci) of radioactive material for research and development, and processing or manufacturing of radioactive material for limited commercial distribution, including, but not limited to, manufacturing of a chemical mixture, radiolabeled compound, solution or alloy that is listed in 32 Ill. Adm. Code 330.30.
- 201D.                      Distribution – licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material.

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IRRADIATORS

- 202A. Category I Irradiator – licenses for possession and use of radioactive material as sealed sources in a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is not physically possible because of the design of the irradiator.
- 202B. Category II, III or IV Irradiator – licenses for possession and use of less than 370 TBq (10,000 Ci) of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
  - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use; or
  - iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.
- 202C. Category II, III or IV Irradiator – licenses for possession and use of 370 TBq (10,000 Ci) or more of radioactive material as sealed sources in a controlled human access gamma irradiator in which the sealed source is either:
- i) Contained in a dry container constructed of solid materials, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system;
  - ii) Contained in a storage pool, the sealed source is shielded at all times, and human access to the sealed source and the volume

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undergoing irradiation is physically restricted in its design configuration and proper mode of use; or

- iii) Contained in a storage pool, is fully shielded when not in use and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

RESEARCH AND DEVELOPMENT

203A. Broad Scope Research and Development – licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution.

203B. Other Research and Development – licenses for possession and use of radioactive material for research and development that do not authorize commercial distribution.

AGENCY NOTE: The Agency will allow the non-commercial distribution of material to other licensees for the purpose of collaborative research and development.

PORTABLE AND FIXED GAUGES

204A. Gas Chromatographs and Fixed X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material in sealed sources for use in gas chromatographs or fixed x-ray fluorescence analyzers.

204B. Portable Gauges and Portable X-Ray Fluorescence Analyzers – specific licenses for possession and use of radioactive material as sealed sources for use in portable gauges or x-ray fluorescence analyzers.

204C. Fixed Gauges – specific licenses for possession and use of radioactive material as sealed sources for use in fixed gauges.

SERVICE

205A. Service – licenses that authorize services for other persons, including, but not limited to, testing of sealed sources for leakage or contamination, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services. Medical service licensees include licensees that only transport sources and

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equipment to a client's facility, but do not authorize the medical use or administration of that material. The medical use or administration of radioactive material to humans or animals shall be performed under a specific medical use license.

- 205B. Nuclear Laundries – licenses for commercial collection and laundering of items contaminated with radioactive material.
- 205C. Decontamination Facilities – licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items.

WIRELINE (Well-Logging)

206. Wireline Service Operations (as defined in 32 Ill. Ad. Code 351) – licenses specifically authorizing use of radioactive material for wireline services, well surveys and tracer studies.

INDUSTRIAL RADIOGRAPHY

207. Industrial Radiography (as defined in 32 Ill. Adm. Code 350) – licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites.

MEDICAL/VETERINARY

- 208A. Broad Scope Medical/Veterinary Use – ~~broad~~**Broad** scope licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing diagnostic and/or therapeutic veterinary or human use of radioactive material. These licenses may include research and development, or use of radioactive material in sealed sources contained in teletherapy or high dose rate remote afterloader devices.
- 208B. Medical/Veterinary Use Including Teletherapy and/or High Dose Rate Remote Afterloader – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material that include authorization for possession and use of radioactive material as sealed sources contained in teletherapy or high dose rate remote afterloader devices for medical or veterinary use and for the irradiation of other items.

AGENCY NOTE: Possession of a teletherapy unit that is out of service

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and in storage only does not means the primary radioactive material use category is the teletherapy category described in 208B. Such licensees should review the other categories to determine their primary radioactive material use category. If this is the only material possessed under a specific license, then see category 212A.

- 208C. Medical/Veterinary Use – licenses for diagnostic and/or therapeutic human or veterinary use of radioactive material (i.e., 32 Ill. Adm. Code 335.5010 and/or 335.7010).
- 208D. Diagnostic Use Only – licenses restricted to only the diagnostic human or veterinary use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in vitro kits (i.e., 32 Ill. Adm. Code 335.4010), except as specified in 32 Ill. Adm. Code 330.220(e~~f~~).
- 208E. Limited Medical/Veterinary Use – licenses restricted to only the human or veterinary use of radioactive material for uptake, dilution and excretion studies (i.e., 32 Ill. Adm. Code 335.3010).
- 208F. Mobile Nuclear Medicine – licenses authorizing the receipt, possession and use of radioactive material for diagnostic or therapeutic human or veterinary use at temporary jobsites.

AGENCY NOTE: Licensees wishing to establish mobile medical services involving High Dose Rate Remote Afterloaders for therapeutic use in humans or animals shall be licensed under Category 208B.

GENERAL LICENSES

- 209A. Persons with Prepackaged Units for In Vitro Testing – persons who receive, acquire, possess or use prepackaged units for in vitro clinical or laboratory testing pursuant to the general license provided by 32 Ill. Adm. Code 330.220(e~~f~~)(1).

AGENCY NOTE: Prepackaged units may be known as in vitro kits or RIA kits.

- 209B. Persons with Generally Licensed Devices – persons required to register with the Agency pursuant to 32 Ill. Adm. Code 330.220(a~~b~~)(4).

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SOURCE MATERIAL

- 210A. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332.20) – licenses for possession and use of source material in recovery operations such as milling, in-site leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode.
- 210B. Possession and Use of Source Material (as defined in 32 Ill. Adm. Code 310.20) – licenses for possession and use of source material that require a specific radioactive materials license. This does not include licenses authorizing manufacture and distribution of source material, no does it include specific licensees authorizing source material used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 201A, B and C of this Section.

WASTE DISPOSAL AND TREATMENT FACILITIES

- 211A. Low-Level Radioactive Waste Disposal Facilities – licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low-level radioactive waste away from the point of generation.
- 211B. Low-Level Radioactive Waste Treatment Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211C. Centralized Low-Level Radioactive Waste Storage Facilities – licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material.
- 211D. Other Low-Level Radioactive Waste – licenses authorizing other methodologies for disposal of low-level radioactive waste.

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OTHER

- 212A. Storage Only – licenses authorizing storage only of radioactive material, but does not include facilities described as Centralized Low-Level Radioactive Waste Storage Facilities.
- 212B. Possession Incident to Exempt Distribution – licenses authorizing possession, receipt, storage and repackaging of byproduct radioactive material for eventual distribution to persons exempt under a specific license issued by the U.S. Nuclear Regulatory Commission.
- AGENCY NOTE: The U.S. Nuclear Regulatory Commission maintains sole authority to issue licenses authorizing distribution of exempt quantities of byproduct radioactive material. However, those licenses do not authorize storage of the material at facilities in Illinois, therefore, a separate license must be obtained from the Agency for possession of the material.
- 212C. Other – all other specific radioactive material licenses not specified elsewhere in this Appendix.
- 212D. Reciprocity for Exhibition and Demonstration Only – licenses authorizing only exhibition or demonstration of devices for a period of not greater than 180 days in any 12-month period.
- 212E. Sealed Source and Device Evaluation Maintenance Fee – a fee per active evaluation sheet maintained by the Agency excluding custom sealed source and device evaluation sheets.

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- 1) Heading of the Part: Radioactive Materials Transportation
- 2) Code Citation: 32 Ill. Adm. Code 341
- 3) Section Number: 341.10                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 34 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 34], Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9] and Section 70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment is updating the references to the Federal transportation rules as required in RATS ID 2012-2 (77 FR 34194, Published June 11, 2012) and 2012-3 (77 FR 39899, Published July 6, 2012). These changes will include notifying tribal officials along transportation routes and updating quantities allowed for radioisotopes in packaging.

These changes are considered Compatibility B by the U.S. Nuclear Regulatory Commission and must be adopted essentially verbatim by the Agency in order to maintain its 'Agreement State' status. The changes must be adopted by the State by August 2015.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 71. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.335: No

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- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes; see Section 341.10.
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:  
  
Traci Burton, Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704  
  
217/785-9860
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENT

## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 341

## RADIOACTIVE MATERIALS TRANSPORTATION

## Section

341.10	Scope
341.20	Incorporations by Reference
341.25	Definitions
341.30	General License
341.40	Records
341.50	Reports

**AUTHORITY:** Implementing and authorized by Section 45 of the Radiation Protection Act of 1990 [420 ILCS 40/45], and Section 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 70 of the Nuclear Safety Law of 2004 [20 ILCS 3310/70].

**SOURCE:** Adopted at 10 Ill. Reg. 17616, effective September 25, 1986; amended at 11 Ill. Reg. 5219, effective March 13, 1987; amended at 12 Ill. Reg. 2434, effective January 15, 1988; amended at 18 Ill. Reg. 4196, effective March 3, 1994; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; old Part repealed and new Part adopted at 29 Ill. Reg. 6911, effective May 2, 2005; amended at 30 Ill. Reg. 9160, effective April 28, 2006; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 341.10 Scope**

- a) This Part applies to each licensee who transports licensed material outside the site where the licensee is authorized to possess and use the material or who transports the material on public highways or who delivers the material to a carrier for transport. The licensee shall comply with the regulations in this Part, the applicable requirements of the U.S. Nuclear Regulatory Commission (NRC) in 10 CFR 71, in effect as of November 14, 2014, published January 26, 2004 with corrections published February 10, 2004 and September 29, 2004 at 64 FR 58038, exclusive of subsequent amendments or editions, and the applicable requirements of the U.S. Department of Transportation (USDOT) regulations appropriate to the mode of transport in 49 CFR 170-189, in effect as of November 14, 2014, published October 1, 2003 and updates published September 13, 2004 at 69

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~~FR 55113, October 1, 2004 at 69 FR 58841, November 4, 2004 at 69 FR 64461, December 8, 2004 at 69 FR 70902, December 20, 2004 at 69 FR 76043, January 24, 2005 at 70 FR 3302, February 24, 2005 at 70 FR 8956, April 15, 2005 at 70 FR 20018, June 8, 2005 at 70 FR 33378, June 13, 2005 at 70 FR 34065, June 14, 2005 at 70 FR 34381, July 28, 2005 at 70 FR 43638 and September 23, 2005 at 70 FR 56083,~~ exclusive of subsequent amendments or editions.

- b) When the licensee is not in areas under the jurisdiction of USDOT or NRC, but is in an area of jurisdiction of the State of Illinois as described in subsection (a) of this Section, the licensee shall comply with the following portions of ~~USDOT~~U.S. DOT and NRC regulations, as applicable:
- 1) Packaging, 49 CFR 173, subparts A, B and I;
  - 2) Marking and labeling, 49 CFR 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440 and subpart E;
  - 3) Placarding, 49 CFR 172, subpart F, paragraphs 172.500-172.519 and 172.556; and appendices B and C;
  - 4) Shipping papers and emergency information, 49 CFR 172, subparts C and G;
  - 5) Accident reporting, 49 CFR 171.15 and 171.16;
  - 6) Hazardous material shipper/carrier requirements, 49 CFR 107, subpart G;
  - 7) Hazardous material employee training, 49 CFR 172, subpart H;
  - 8) Definitions, 10 CFR 71.4;
  - 9) Transportation of licensed material, 10 CFR 71.5;
  - 10) Exemptions for low level material, 10 CFR 71.14(a);
  - 11) General license: NRC-approved package, 10 CFR 71.17;
  - 12) Previously approved package, 10 CFR 71.19(a) and (b);

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- 13) General license: USDOT specification container material, 10 CFR 71.20;
  - 14) General license: Use of foreign approved package, 10 CFR 71.21;
  - 15) General license: Fissile material, 10 CFR 71.22;
  - 16) External radiation standards for all packages, 10 CFR 71.47;
  - 17) Assumptions as to unknown properties, 10 CFR 71.83;
  - 18) Preliminary determinations, 10 CFR 71.85;
  - 19) Routine determinations, 10 CFR 71.87;
  - 20) Air transportation of plutonium, 10 CFR 71.88;
  - 21) Opening instructions, 10 CFR 71.89;
  - 22) Advance notification of shipment of irradiated reactor fuel and nuclear waste, 10 CFR 71.97;
  - 23) Quality assurance requirements, 10 CFR 71.101(a), (b), (c), (f) and (g);
  - 24) Quality assurance organization, 10 CFR 71.103;
  - 25) Quality assurance program, 10 CFR 71.105; and
  - 26) Determination of  $A_1$  and  $A_2$ , 10 CFR 71, appendix A.
- c) The licensee shall also comply with USDOT regulations pertaining to the following modes of transportation:
- 1) Rail, 49 CFR 174, subparts A-D and K;
  - 2) Air, 49 CFR 175;
  - 3) Vessel, 49 CFR 176, subparts A-F and M; and
  - 4) Public highway, 49 CFR 177 and 390-397.

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- d) If USDOT regulations are not applicable to a shipment of licensed material as described in subsection (a) ~~of this Section~~, the licensee shall conform to the standards and requirements of USDOT specified in subsection (a) ~~of this Section~~ to the same extent as if the shipment or transportation were subject to USDOT regulations. A request for modification, waiver or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the ~~Illinois Emergency Management Agency (Agency)~~.

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

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- 1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations
- 2) Code Citation: 32 Ill. Adm. Code 350
- 3) Section Number: 350.1000                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 and 16 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 16]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment provides a reference for the American National Standards Institute as required in RATS ID 2012-3 (77 FR 39899, Published July 6, 2012).

This change is considered Compatibility B by the U.S. Nuclear Regulatory Commission and must be adopted essentially verbatim by the Agency in order to maintain its 'Agreement State' status. The changes must be adopted by the State by August 6, 2015.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is exempt from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure, or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations, or orders as necessary and appropriate for authorization or maintenance of the program. The NRC has reviewed the proposed amendments and has indicated that these amendments are needed to ensure compatibility with 10 CFR 34. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State or at a date required or authorized by the relevant federal laws, regulations, or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.335: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:
- Traci Burton, Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704
- 217/785-9860  
fax: 217/524-3698
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The Agency believes that this rulemaking may affect those entities with a radioactive material license issued by the Agency.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

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## NOTICE OF PROPOSED AMENDMENT

## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 350

RADIATION SAFETY REQUIREMENTS FOR  
INDUSTRIAL RADIOGRAPHIC OPERATIONS

## SUBPART A: GENERAL PROVISIONS

## Section

350.10	Purpose
350.20	Scope
350.25	Incorporations by Reference
350.30	Definitions
350.40	Exemptions
350.50	Receipt, Transfer and Disposal of Sources of Radiation
350.60	Form and Location of Records

## SUBPART B: EQUIPMENT CONTROL

## Section

350.1000	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1005	Requirements for Radiography Equipment Using Radiation Machines
350.1010	Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1020	Locking of Sources of Radiation
350.1030	Storage Precautions
350.1040	Radiation Survey Instruments
350.1050	Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1060	Quarterly Inventory
350.1070	Utilization Logs
350.1080	Inspection and Maintenance
350.1090	Permanent Radiographic Installations

SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR  
RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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## Section

- 350.2010 Training and Testing
- 350.2020 Operating and Emergency Procedures
- 350.2030 Personnel Monitoring Control
- 350.2040 Supervision of Radiographer Trainees

## SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

## Section

- 350.3010 Access Control and Security
- 350.3020 Posting
- 350.3030 Radiation Surveys and Survey Records
- 350.3040 Records Required at Temporary Job Sites
- 350.3045 Operating Requirements
- 350.3048 Notification of Incidents
- 350.3050 Special Requirements and Exemptions for Enclosed Radiography Systems
- 350.3060 Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
- 350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
- 350.3080 Special Requirements for Mobile or Portable Radiation Machines (Repealed)
- 350.3090 Special Requirements for Underwater and Lay-Barge Radiography
- 350.4000 Prohibitions
- 350.4010 Licensing and Registration Requirements for Industrial Radiographic Operations
- 350.4020 Radiation Safety Officer
- 350.4030 Reciprocity
  
- 350.APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)
- 350.APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment
- 350.APPENDIX C Retention Requirements for Records

AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill.

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Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg. 7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. 16591, effective November 27, 1995; emergency amendment at 22 Ill. Reg. 21101, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2900, effective February 25, 1999; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 12598, effective October 1, 2004; amended at 30 Ill. Reg. 9167, effective April 28, 2006; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: EQUIPMENT CONTROL

**Section 350.1000 Requirements for Radiography Equipment Using Radiographic Exposure Devices**

- a) Equipment used in industrial radiographic operations involving the use of radiographic exposure devices shall meet the following minimum criteria:
  - 1) Each radiographic exposure device, source assembly, or sealed source and all associated equipment:
    - A) Manufactured on or before July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in American National Standards Institute (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. [This publication may be purchased from the American National Standards Institute, Inc., 25 West 43<sup>rd</sup> Street, New York NY 10036; Telephone: \(212\) 642-4900.](#) However, equipment used in industrial radiographic operations need not comply with section 8.9.2(c) of the Endurance Test in ANSI N432-1980, if the prototype equipment has been tested using a torque value representative of the torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism; and/or
    - B) Manufactured after July 1, 1994, and used after January 10, 1996, shall meet the requirements specified in ANSI N43.9-1991,

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"American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.

- 2) Each radiographic exposure device shall have attached to it one or more durable, legible, clearly visible labels bearing the:
  - A) Chemical symbol and mass number of the radionuclide in the device;
  - B) Activity of the sealed source and the date ~~on which~~ this activity was last measured;
  - C) Model and serial number of the sealed source;
  - D) Manufacturer of the sealed source; and
  - E) Licensee's name, address and telephone number.
- 3) Each radiographic exposure device intended for use as a Type B transport container shall meet the applicable requirements of 32 Ill. Adm. Code 341.
- 4) Radiographic exposure devices, source assemblies, source changers and associated equipment that allow the source to be moved out of the device for routine operation shall meet the following additional requirements:
  - A) The coupling between the source assembly and the control cable shall be designed in a manner that the source assembly will not become disconnected if cranked outside the guide tube. The coupling shall be such that it cannot be unintentionally disconnected under normal conditions.
  - B) The device shall automatically secure the source assembly when it is cranked back into the shielded position within the device. This securing system shall only be released by means of a deliberate operation of the exposure device.
  - C) The outlet fittings, lock box and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs

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or covers, which shall be installed during storage and transportation, to protect the source assembly from water, mud, sand or other foreign matter.

- D) Each sealed source or source assembly shall have attached to it, or engraved in it, a durable, legible, visible label with the words: "DANGER-RADIOACTIVE." The label shall not interfere with the safe operation of the exposure device or associated equipment.
- E) The guide tube, if manufactured on or before July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of subsequent amendments or editions. Guide tubes manufactured after July 1, 1994, and used after January 10, 1996, shall have passed a kinking test that closely approximates the kinking forces likely to be encountered during use and the crushing tests for the control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.
- F) Use of a guide tube shall be necessary to move the source out of the device.
- G) An exposure head, endcap or similar device designed to prevent the source assembly from extending beyond the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.
- H) The guide tube exposure head connection, if these parts were manufactured on or before July 1, 1994, and used after January 10, 1996, shall be able to withstand the tensile test for control units specified in ANSI N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published January 1981, as NBS Handbook 136, exclusive of

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subsequent amendments or editions. If these parts were manufactured after July 1, 1994, and used after January 10, 1996, the guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N43.9-1991, "American National Standard for Gamma Radiography – Specifications for Design and Testing of Apparatus," published 1991, exclusive of subsequent amendments or editions.

- I) Source changers shall provide a system for assuring that the source will not be accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.
- b) Modification of any radiographic exposure device, source assembly, source changer and associated equipment is prohibited unless the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State has determined that the design of any replacement component, including source holder, source assembly, control or guide tube would not compromise the design safety features of the system.
- c) Each radiographic exposure device, source changer and storage container shall be provided with a lock or lockable outer container designed to prevent unauthorized or accidental removal or exposure of a sealed source.
- d) Each radiographic exposure device and each transport container shall bear a permanent, durable, legible, clearly visible marking or ~~label~~~~label(s)~~ ~~that~~~~which~~ has, as a minimum, the standard radiation caution symbol, depicted in 32 Ill. Adm. Code 340.Illustration A, and the following wording:

CAUTION (OR DANGER)  
RADIOACTIVE MATERIAL  
NOTIFY CIVIL AUTHORITIES (OR NAME OF COMPANY)

In addition, transport containers shall meet the applicable requirements of 32 Ill. Adm. Code 341.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
420.10	Amendment
420.610	Amendment
420.680	Amendment
420.740	New Section
420.760	Amendment
- 4) Statutory Authority: 15 ILCS 310/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform to current merit practices, regulations of federal and state legislative enactments and technical changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed rulemakings contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Stephan Roth or Steven J. Dennis  
Office of the Secretary of State  
Department of Personnel  
Room 197 Howlett Building

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62756

217/782-1750

All comments must be in writing.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on either of the most recent Regulatory Agendas, since the department did not anticipate this rulemaking at that time.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER II: SECRETARY OF STATE

PART 420  
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section  
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section  
420.200 Positions  
420.210 Position Classification  
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section  
420.300 Application and Examination  
420.310 Appointment and Selection  
420.320 Trainees  
420.330 Intermittents  
420.340 Continuous Service  
420.350 Performance Evaluation Forms  
420.360 Probationary Status  
420.370 Promotions  
420.380 Employee Transfers  
420.390 Demotion  
420.400 Layoffs and Reemployment  
420.410 Voluntary Reduction  
420.415 Sworn Personnel – Inter-Agency Assignment  
420.420 Resignation and Reinstatement  
420.430 Discipline, Discharge, and Termination  
420.435 Return of State Property

## SECRETARY OF STATE

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## SUBPART D: CONDITIONS OF EMPLOYMENT

Section	
420.600	Grievance Procedure
420.610	Sick Leave
420.620	Personal Leave
420.630	On-The-Job Injury – Industrial Disease (Repealed)
420.640	Leaves of Absence Without Pay
420.645	Family Leave
420.650	Limitations on Leaves of Absence
420.660	Leaves of Absence – Special
420.665	Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670	Leaves of Absence – Special – Salary (Repealed)
420.680	Employee Rights After Leave
420.690	Leave of Absence – Election to Public Office
420.700	Failure to Return from Leave of Absence
420.705	National Service Leave
420.710	Military Leave
420.715	Disaster Services Leave with Pay
420.720	Leave for Annual Military Reserve Training or Special Duty
420.730	Leave for Military Physical Examinations
420.740	Leave to Take Exempt Position <del>(Repealed)</del>
420.745	Blood/Organ/Tissue Donation Leave
420.750	School Visitation Leave
420.760	Non-service Connected and Service Connected Disability Leave
420.770	Attendance in Court
420.775	Victims' Economic Security and Safety Leave
420.800	Vacation
420.810	Work Schedules
420.820	Overtime
420.825	Temporary Assignment (Repealed)
420.830	Holidays
420.835	Notification of Absence

## SUBPART E: GENERAL PROVISIONS

Section	
420.1000	Records

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

420.1010	Benefits
420.1015	Proration of Rights and Benefits
420.1020	Prohibition of Discrimination
420.1030	Other Provisions

**AUTHORITY:** Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

**SOURCE:** Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed at 32 Ill. Reg. 6659, effective April 2, 2008; amended at 32 Ill. Reg. 15017, effective September 8, 2008; amended at 35 Ill. Reg. 4278, effective March 1, 2011; amended at 36 Ill. Reg. 12125, effective July 16, 2012; amended at 36 Ill. Reg. 13945, effective September 1, 2012; amended at 37 Ill. Reg. 4282, effective April 1, 2013; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: INTRODUCTION

**Section 420.10 Definitions**

"Allocation": The assignment of a position to a class based on duties, responsibilities and requirements.

"Appropriate Supervisor": An employee who has the authority to resolve an employee's grievance.

"Certified Employee": An employee who has successfully completed a required probationary period and attained certified status during the employee's most recent period of continuous service.

"Certified Status": Status achieved through the completion of a probationary

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period.

"Class": A composite of positions that are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledge, skills, abilities and licenses (if required) to fulfill them, and the same title, selection instrument, salary range or rate of pay that would apply equitably to each. Example: All Executive I positions in the Office of the Secretary of State are a class.

"Code": The Secretary of State Merit Employment Code [15 ILCS 310].

"Commission": The Secretary of State Merit Commission.

"Continuous Service": The uninterrupted period of service from the date of original appointment to State service.

"Department of Personnel": The Secretary of State Department of Personnel.

"Director of Personnel": The Director of the Secretary of State Department of Personnel.

"Employee": Any employee on the payroll as well as any employee on a leave of absence granted pursuant to this Part.

"Executive or Administrative Employee": Those employees who have principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

"Executive Security Officer": A law enforcement officer charged with executive protective duties.

"Highly Confidential Employee": An employee who occupies a position that, by its nature, is entrusted with private, restricted or privileged information of a type that would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter, spouse, [parties to a marriage, domestic partners \(established prior to 6-1-11\)](#) or party to a civil union, including adoptive and custodial relationships and "in-laws".

"Jurisdiction A": The Section of the Code that deals with the classification and

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compensation of positions in the Office of the Secretary of State.

"Jurisdiction B": The Section of the Code that deals with merit and fitness as it applies to positions in the Office of the Secretary of State.

"Jurisdiction C": The Section of the Code that deals with the conditions of employment of positions of the Office of the Secretary of State.

"Licensed Attorney": Attorneys who are licensed to practice law within the State of Illinois.

"Next Higher Supervisor": An employee who is authorized to adjust grievance resolutions offered by an Appropriate Supervisor; an employee who may be locally or regionally assigned to resolve Level 2 grievances.

"Organizational Entity": An organization whose chief executive officer reports directly to the Secretary of State or the Assistant Secretary of State.

"Pay Plan": The plan, authorized by the Secretary of State Merit Employment Code, that sets forth rules for salary treatment when processing personnel transactions and other compensation actions and identifies the various salary schedules.

"Pay Status": An employee who is active on the payroll of the Office of the Secretary of State and who receives wages for hours worked, paid holidays and benefit time used.

"Position": A set of duties, authorities and responsibilities.

"Position Description": The official document that identifies the duties, responsibilities, location and reporting relationships of a position.

"Probationary Period": A period of six calendar months (or 979 hours) immediately following an original appointment or reinstatement, or a period of three months (489.5 hours) following a promotion.

"Series": A class series is composed of two or more individual classes that are directly related in type of work performed, responsibility exercised and background experience required, while differing in levels, difficulty and/or

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achievement of these same terms. The classes of a series are similar in title and are usually sequential in nature from lowest to highest. Example: Executive I, II, III, IV and V are a class series.

"Sworn Personnel – Inter-Agency Assignment": Employees of the Office, vested with police authority, who are assigned to an affiliated outside organization for a determined time frame to perform police officer duties.

"Time of Hostilities": Any period of time during which a declaration of war by the United States Congress has been or is in effect or is recognized by the issuance of a Presidential Proclamation or Executive Order as defined in Section 10b.7 of the Secretary of State Merit Employment Code [15 ILCS 310/10b.7].

"Title": A title is the name by which a class is known. Example: Executive I is a title.

"Unskilled Positions": Positions whose primary requirement is that incumbents be of good physical condition.

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

## SUBPART D: CONDITIONS OF EMPLOYMENT

**Section 420.610 Sick Leave**

- a) Sick Leave Definition: All employees, except those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless the status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Intermittent and permanent part-time employees shall accrue sick time on a prorated hourly basis determined by a ratio, the numerator of which shall be number of hours in pay status each month and the denominator of which shall be the number of normal work hours that month.
- b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. An employee shall retain any unused sick leave accumulated prior to December 1, 1980.
- c) Reinstatement of Sick Leave:

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- 1) On or after the effective date of this Section, accumulated sick leave available at the time an employee's continuous service is interrupted shall, upon verification, be reinstated to the employee's account upon return to full-time, regularly scheduled part-time, or intermittent employment, except in temporary or emergency status. This reinstatement is applicable provided the interruption of service occurred not more than 5 years prior to the date the employee reenters service and provided the sick leave has not been credited by the appropriate retirement system towards retirement benefits.
  - 2) An employee with previous service for which sick leave was granted under provisions other than Jurisdiction C of the Code shall have the sick leave reinstated to the extent provided under this Section.
- d) **Advancement of Sick Leave:** An employee with more than 2 years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than 10 working days, with the written approval of the department and the Director of Personnel. Advances will be charged against sick leave accumulated later in subsequent service. No additional advance of sick time will be made until all previously advanced time is repaid.
- e) **Use of Sick Leave:**
- 1) Sick leave shall be used in the following order:
    - A) Sick leave granted prior to January 1, 1984 will be used first;
    - B) Sick leave granted beginning January 1, 1998 will be used second;
    - C) Sick Leave granted from January 1, 1984 through December 31, 1997 will be used last.
  - 2) Sick leave may not be used in increments of less than ½ hour at a time, but in conjunction with the first ½ hour may be taken in additional 15-minute increments. Permanent part-time and intermittent employees may use sick time in 15-minute increments.

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- 3) Sick leave may be used for illness, disability or injury of the employee or appointments with doctor, dentist or other professional medical practitioner, and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family, unless such time is used pursuant to the Family Medical Leave Act (29 USC 2601 et seq.).
  - 4) The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that sick leave days were used for the purposes set forth in subsection (e)(3). For periods of absence of more than 5 consecutive workdays, the employee shall provide verification for the absence in accordance with the provisions of Section 420.760(b)(4).
  - 5) Employees may be granted up to 3 days (a day being equal to his/her actual workday) of paid leave time, in addition to the use of sick time allowed in subsection (e)(3), to attend services and related events and make necessary arrangements upon the death of a member of his/her immediate family. For purposes of this subsection (e)(5), immediate family includes father/step-father, mother/step-mother, brother/step-brother, sister/step-sister, son/step-son, daughter/step-daughter, spouse, [parties to a marriage](#), domestic partner ([established prior to 6-1-11](#)), party to a civil union, child (including adopted, custodial or in-law), grandparent, grandchild, parent-in-law, brother or sister-in-law, niece, nephew, aunt and uncle. The employee may be required to provide documentation as to the necessity for absences covered by this subsection (e)(5).
- f) Payment in Lieu of Sick Leave:
- 1) Unless otherwise provided by law, upon separation of employment by means of resignation, retirement, death, indeterminate layoff, or discharge, and if the employee is not employed in another position in State service within 4 calendar days of the separation, an employee is entitled to be paid for unused sick leave which accrued on or after January 1, 1984 and prior to January 1, 1998 in accordance with subsection (e)(3).
  - 2) The amount of sick leave to be paid upon termination of employment will be determined as follows:

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- A) using time records from the employing department, the Department of Personnel will verify the employee's sick leave balance for sick leave earned, but not taken, in the period from January 1, 1984 up to and including December 31, 1997;
  - B) the employees will be paid one-half of the amount of sick leave days determined in subsection (e)(2)(A), multiplied by the daily salary rate in effect at the time of separation.
- 3) The method for computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon separation of employment shall be determined by Payroll.
- 4) If an employee has a negative sick leave balance pursuant to subsection (d) when employment is separated, the employing department must submit this negative sick leave balance to Payroll, where one of the following will be applied:
- A) Subtract the negative sick leave balance from the earning amount still due to the employee by the Secretary of State.
  - B) Contact employing department, stating dollar amount of overpayment to employee. The employing department then has the responsibility of contacting the employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.
  - C) If no repayment occurs, Payroll will establish a lien against any State of Illinois monetary payment due to the employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.
- 5) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have the days restored by doing the following:
- A) The employee must notify the employing department to request restoration of the previously paid unused sick days to the

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employee's sick leave account; and

- B) The employee must repay the gross (total) amount paid by the State (before deductions) to the Secretary of State by personal check or money order. The employing department will forward the employee's repayment to Payroll before unused sick days are returned to the employee's sick leave account.
- g) Pursuant to the Secretary of State Merit Employment Code [15 ILCS 310/10b.18], an employee who is also a veteran shall be permitted 4 days with pay per year to visit a veterans' hospital for examination of a military service connected disability. Upon submitting proof of the visit, the 4 days shall not be charged against any sick leave currently available to the employee.

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

**Section 420.680 Employee Rights After Leave**

- a) When an employee returns from a leave of absence of 6 months or less, the department shall return the employee to the same or similar position in the class in which the employee was incumbent prior to the commencement of the leave.
- b) Except for those leaves granted under Sections 420.665, 420.705, 420.710 or 420.760(g) and when an employee returns from a leave or leaves exceeding 6 months and there is no vacant position available to the employee in the same class in which the employee was incumbent prior to the leave or leaves commencing, the employee may be laid off without consideration of continuous service and, if laid off, the employee's name shall be placed on the reemployment list.
- c) Except for those leaves granted under Sections 420.665, 420.690, ~~or~~ 420.710 or 420.760(g), an employee shall resign his/her employment or be terminated from employment once he/she has been continuously out on leave of absence for 2 calendar years.

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

**Section 420.740 Leave to Take Exempt Position ~~(Repealed)~~**

The Director of Personnel may approve leaves of absence for certified employees who accept

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appointment in a position that is exempt from Jurisdiction B of the Merit Employment Code. These leaves of absence may be for a period of one year or less and may be extended for additional one-year periods. At the expiration of the leave of absence, an employee shall be restored to the same or similar position upon making application to the employing department with continuous service, including the period of the leave.

(Source: Old Section 420.740 repealed at 32 Ill. Reg. 15017, effective September 8, 2008; new Section added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 420.760 Non-service Connected and Service Connected Disability Leave**

- a) Employees who are unable to perform a substantial portion of their regularly assigned duties due to temporary physical or mental disability shall, upon request, or approval of a claim under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310], be granted a non-service or service-connected disability leave for the duration of the disability. A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee that constitute a significant portion of the employee's time or that constitute the factors differentiating that particular position from other positions, provided the balance of the duties can be reassigned by the department.
- b) In granting the leave, the Director of Personnel shall apply the following standards:
  - 1) As soon as the employee becomes aware of an impending period of disability, the employee shall notify the appropriate supervisor and provide a written statement by the attending physician or other authority of the approximate length of time the employee will be unable to perform regularly assigned duties;
  - 2) A request for disability leave shall be in writing, except when the department is advised by other appropriate means of the employee's disability. In this event, the employee's signature is not required;
  - 3) Except for service-connected disability as provided in subsection (g), the employee shall have exhausted available sick leave provided under Section 420.610 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose, but is not required to do

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so;

- 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means. The verification shall show the diagnosis, prognosis and expected duration of the disability and shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
- c) Termination of Leave:
- 1) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of the leave.
  - 2) An employee's disability leave shall terminate when the employee is no longer temporarily disabled and is capable of performing regularly assigned duties.
    - A) An employee is no longer temporarily disabled when he/she is able to perform regularly assigned duties upon advice of the appropriate authority (i.e., attending physician, an impartial physician, or other authority).
    - B) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of that authority, by the attending physician.
    - C) If the department has reason to believe that an employee is able or unable to perform a substantial portion of the regularly assigned duties, it may seek and rely upon the decision of an impartial physician or other specialist licensed pursuant to the Medical Practice Act [225 ILCS 60] in the field of the alleged disability chosen by agreement of the parties or, in the absence of an agreement, upon the decision of an impartial physician or other

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specialist licensed pursuant to the Medical Practice Act who is selected by the Director of Personnel or [SERS TRISTAR](#) the [Illinois Department of Central Management Services](#).

- D) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director of Personnel may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with subsection (c)(2)(C).
- d) An employee who returns from a disability leave shall have the rights set forth in Section 420.680 or subsection (g)(6), whichever applies.
- e) An employee who is on disability leave while in temporary or emergency status, except if that status results from a leave of absence to accept a temporary or emergency position, shall be eligible for disability leave for the balance of the appointment and shall earn or accrue no other benefit arising from this Part.
- f) Up to 12 weeks of leave time out of any 12 month period may be designated as leave time under the Family and Medical Leave Act (FMLA) (29 USC 2601 et seq.). Designated FMLA leave time will run concurrently with the disability leave or workers' compensation grace time, provided the absence is due to a qualifying serious injury or illness.
- g) An employee who suffers an on-the-job injury or illness and is unable to perform a substantial portion of the regularly assigned duties in accordance with subsection (a) shall also be subject to the following:
- 1) Upon request, an employee will be allowed full pay for 3 working days of absence without utilization of any accumulated sick leave or other benefits if a workers' compensation claim is filed and approved pursuant to the Workers' Compensation [or Workers' Occupational Diseases](#) Act.
  - 2) Starting with the 4<sup>th</sup> working day of absence, the employee shall be permitted, but not required, to utilize accumulated sick leave or other benefit leave time, or may be granted a non-service disability leave of absence pending outcome of the employee's workers' compensation claim.

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During the leave granted under this subsection (g)(2), the employee may not apply for disability benefits with the Illinois State Employees Retirement System. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.

- 3) If the employee's workers' compensation claim is deemed subject to benefits provided in the Workers' Compensation or Workers' Occupational Diseases Act, the employee will be placed on a service-connected disability leave of absence. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.
- 4) In the event the ~~service-connected~~ injury or illness is not deemed subject to benefits under the Acts Act, the employee will be placed on a non-service disability leave of absence or may use accumulated benefit time to cover any absences related to the incident.
- 5) In the event the ~~service-connected~~ injury or illness becomes the subject of an award by the Illinois Workers' Compensation Commission or a settlement contract is approved by the Illinois Workers' Compensation Commission that provides for payment of temporary total disability (TTD) to cover non-work time, the employee ~~shall~~may restore to the State the payment received as sick leave or other benefit leave time and the employee's leave account shall be credited with leave time equivalents.
- 6) An employee who returns from a service-connected disability leave of absence shall be returned to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced.

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

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Rules, Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1000
- 3) Section Number: 1000.70                      Proposed Action: Amendment
- 4) Statutory Authority: 15 ILCS 310/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to conform to current merit practices, regulations of federal and State legislative enactments and technical changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Stephan Roth or Steven J. Dennis  
Office of the Secretary of State  
Department of Personnel  
Room 197 Howlett Building  
Springfield IL 62756

217/782-1750

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All comments must be in writing.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on either of the most recent Regulatory Agendas, since the department did not anticipate this rulemaking at that time.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1000  
GENERAL RULES, DEFINITIONS

Section	
1000.10	Definitions
1000.20	Appointment of Subordinates
1000.30	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.40	Offices of the Secretary of State
1000.41	Voter Registration at Driver Services Facilities
1000.50	Forms
1000.60	Certification of Copies of Records
1000.70	Department of Police
1000.80	Enforcement of the Illinois Vehicle Code (Repealed)
1000.90	Hearings (Repealed)
1000.110	Audits and Collections (Repealed)
1000.120	Audit Costs

**AUTHORITY:** Implementing Section 2-105(c) of the Illinois Vehicle Code [625 ILCS 5/2-105(c)] and authorized by 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amendment at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6950, effective April 24, 2000; emergency amendment at 25 Ill. Reg. 9376, effective July 1, 2001, for maximum of 150 days; emergency expired November 27, 2001; amended at 26 Ill. Reg. 12040, effective July 19, 2002; amended at 29 Ill. Reg. 1960, effective January 20, 2005; amended at 34 Ill. Reg. 2755, effective February 2, 2010; amended at 37 Ill. Reg. 1254, effective January 17, 2013; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1000.70 Department of Police**

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- a) The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- b) The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- c) The employees of the Department of Police shall be subject to the Secretary of State Merit Employment Code [15 ILCS 310]; the Office of the Secretary of State's rules entitled Department of Personnel (80 Ill. Adm. Code 420) and the Department of Police General Orders. When~~Where~~ there is conflict between the policies of the Office and the General Orders of Police, the Office policies shall prevail.
- d) Sworn personnel
  - 1) Sworn personnel shall mean the peace officers within the Department of Police.
  - 2) The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210.
  - 3) New sworn personnel shall be hired in accordance with Section 10b of the Secretary of State Merit Employment Code and shall be required to successfully complete certain terms and conditions under the Secretary of State Merit Employment Code that include, but are not limited to, the following:
    - A) An examination for Investigators or Investigator Trainees as prescribed by the Director of Personnel, Office of the Secretary of State.
    - B) A physical ability test, consistent with the physical ability standards set forth by the Illinois Law Enforcement Training and

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Standards Board (20 Ill. Adm. Code 1720.20.Appendix A) prior to the entrance into any of the Illinois certified basic police academies.

- C) A background investigation conducted by the Department of Police to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate.
  - D) A medical and a psychological examination using standard criteria.
- 4) Application and Testing Procedures for Investigator Sergeants. Any applicant for the position of Investigator Sergeant must complete or successfully pass the following application procedure:
- A) The filing of the standard personnel application form with the Department of Personnel with a copy to the Department of Police.
  - B) An examination for Investigator Sergeant as prescribed by the Director of Personnel, Office of the Secretary of State.
  - ~~C) An oral interview conducted by a panel of sworn officers of the Department in the grade of at least Investigator Sergeant, appointed by the Director to determine the applicant's qualifications and suitability for promotion to the rank of Investigator Sergeant.~~
- e) Miscellaneous provisions pertaining to the Department of Police
- 1) The Department of Police shall collect a storage fee in the amount of \$5.00 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. Fees shall be deposited in the Secretary of State Police Services Fund.
  - 2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

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NOTICE OF PROPOSED AMENDMENT

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Board of Savings Institutions

2) Code Citation: 38 Ill. Adm. Code 500

3) Section Numbers: Adopted Action:

500.100	Repealed
500.200	Repealed
500.210	Repealed
500.220	Repealed
500.230	Repealed
500.300	Repealed
500.310	Repealed
500.320	Repealed
500.330	Repealed
500.340	Repealed
500.400	Repealed
500.410	Repealed
500.420	Repealed
500.430	Repealed
500.440	Repealed
500.450	Repealed
500.460	Repealed
500.470	Repealed
500.480	Repealed
500.490	Repealed
500.500	Repealed
500.510	Repealed
500.520	Repealed
500.530	Repealed
500.540	Repealed
500.550	Repealed
500.560	Repealed
500.570	Repealed
500.580	Repealed
500.590	Repealed
500.600	Repealed
500.610	Repealed
500.620	Repealed
500.630	Repealed

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

500.640	Repealed
500.650	Repealed
500.660	Repealed
500.670	Repealed
500.680	Repealed
500.690	Repealed
500.700	Repealed
500.710	Repealed

- 4) Statutory Authority: Implementing and authorized by Sections 7-20 through 7-27 of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-20 through 7-27] and Section 9018 of the Savings Bank Act [205 ILCS 205/9018]
- 5) Effective Date of Repealer: May 15, 2015
- 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 repealer, including any material incorporated by reference, is on file in the principal office of the Department of Financial and Professional Regulation and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 923; January 16, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 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: The requirements of Part 500 governed the operation of the Board of Savings Institutions ("Savings Institutions" refers to Illinois state savings association and Illinois State savings banks). These rules were originally

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

issued under the authority of the Illinois Savings and Loan Act of 1985 (ISLA) [205 ILCS 105]. Public Act 98-1081, effective January 1, 2015, repeals ISLA, eliminating the authority for the rules under Part 500. The ISLA provides for the charter, operation, and supervision of Illinois State savings associations. As of April 1, 2013, no Illinois State savings associations have been chartered and operated under the ISLA. Most Illinois State savings associations converted to Illinois State savings banks pursuant to the Savings Bank Act [205 ILCS 205]. The remaining savings associations converted or merged into other types of depository institutions. No application to form or convert to an Illinois State savings association is before the Department. Nor is the Department otherwise aware of any party seeking to form or convert to an Illinois State savings association. Public Act 98-1081 establishes the Illinois Board of Savings Banks.

- 16) Information and questions regarding this adopted repealer shall be directed 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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1000.110	Repealed
1000.120	Repealed
1000.130	Repealed
1000.141	Repealed
1000.142	Repealed
1000.143	Repealed
1000.150	Repealed
1000.160	Repealed
1000.205	Repealed
1000.210	Repealed
1000.220	Repealed
1000.230	Repealed
1000.240	Repealed
1000.250	Repealed
1000.260	Repealed
1000.270	Repealed
1000.280	Repealed
1000.290	Repealed
1000.410	Repealed
1000.420	Repealed
1000.430	Repealed
1000.440	Repealed
1000.510	Repealed
1000.610	Repealed
1000.615	Repealed
1000.620	Repealed
1000.630	Repealed
1000.640	Repealed
1000.660	Repealed
1000.665	Repealed
1000.710	Repealed
1000.720	Repealed
1000.810	Repealed
1000.910	Repealed

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

1000.1010	Repealed
1000.1020	Repealed
1000.1030	Repealed
1000.1040	Repealed
1000.1050	Repealed
1000.1060	Repealed
1000.1070	Repealed
1000.1080	Repealed
1000.1090	Repealed
1000.1110	Repealed
1000.1120	Repealed
1000.1130	Repealed
1000.1150	Repealed
1000.1160	Repealed
1000.1170	Repealed
1000.1180	Repealed
1000.1190	Repealed
1000.1200	Repealed
1000.1210	Repealed
1000.1220	Repealed
1000.1310	Repealed
1000.1320	Repealed
1000.1330	Repealed
1000.1340	Repealed
1000.1410	Repealed
1000.1420	Repealed
1000.1430	Repealed
1000.1440	Repealed
1000.1450	Repealed
1000.1460	Repealed
1000.1470	Repealed
1000.1480	Repealed
1000.1510	Repealed
1000.1520	Repealed
1000.1530	Repealed
1000.1540	Repealed
1000.1550	Repealed
1000.1560	Repealed
1000.1570	Repealed

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

1000.1580	Repealed
1000.1590	Repealed
1000.1600	Repealed
1000.1610	Repealed
1000.1620	Repealed
1000.1630	Repealed
1000.1640	Repealed
1000.1650	Repealed
1000.1660	Repealed
1000.1670	Repealed
1000.1680	Repealed
1000.1690	Repealed
1000.1700	Repealed
1000.1710	Repealed
1000.1720	Repealed
1000.1730	Repealed
1000.1740	Repealed
1000.1750	Repealed
1000.1760	Repealed
1000.1770	Repealed
1000.1780	Repealed
1000.1790	Repealed
1000.1800	Repealed
1000.1810	Repealed
1000.1905	Repealed
1000.1910	Repealed
1000.1915	Repealed
1000.1920	Repealed
1000.1925	Repealed
1000.1930	Repealed
1000.1935	Repealed
1000.1940	Repealed
1000.1945	Repealed
1000.1950	Repealed
1000.1955	Repealed
1000.1970	Repealed
1000.1972	Repealed
1000.1975	Repealed
1000.1980	Repealed

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

1000.1982	Repealed
1000.1985	Repealed
1000.1990	Repealed
1000.1993	Repealed
1000.1997	Repealed
1000.2005	Repealed
1000.2010	Repealed
1000.2020	Repealed
1000.2030	Repealed
1000.2040	Repealed
1000.2050	Repealed
1000.2055	Repealed
1000.2060	Repealed
1000.2070	Repealed
1000.2105	Repealed
1000.2110	Repealed
1000.2120	Repealed
1000.2200	Repealed
1000.2300	Repealed
1000.2310	Repealed
1000.2320	Repealed
1000.2330	Repealed
1000.2340	Repealed
1000.2400	Repealed
1000.2410	Repealed
1000.2420	Repealed
1000.2500	Repealed
1000.2510	Repealed
1000.2520	Repealed
1000.2530	Repealed
1000.2540	Repealed
1000.2550	Repealed
1000.3000	Repealed
1000.3100	Repealed
1000.3150	Repealed
1000.3200	Repealed
1000.3225	Repealed
1000.3250	Repealed
1000.3300	Repealed

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

1000.3325	Repealed
1000.3350	Repealed
1000.3400	Repealed
1000.3450	Repealed
1000.3500	Repealed
1000.3550	Repealed
1000.3600	Repealed
1000.3650	Repealed
1000.3700	Repealed
1000.3750	Repealed
1000.4010	Repealed
1000.4020	Repealed
1000.4030	Repealed
1000.4040	Repealed
1000.4050	Repealed
1000.4060	Repealed
1000.4070	Repealed
1000.4080	Repealed
1000.5000	Repealed
1000.5010	Repealed
1000.5020	Repealed
1000.5030	Repealed
1000.APPENDIX A	Repealed
1000.APPENDIX B	Repealed

- 4) Statutory Authority: Implementing and authorized by Section 7-3 of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35]
- 5) Effective Date of Repealer: May 15, 2015
- 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 principal office of the Department of Financial and Professional Regulation and is available for public inspection.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 945; January 16, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 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 Part pertained to the operation and supervision of Illinois State savings associations and was originally promulgated under the authority of the Illinois Savings and Loan Act of 1985 (ISLA) [205 ILCS 105]. Public Act 98-1081, effective January 1, 2015, repeals ISLA, thereby eliminating the statutory authority upon which this Part rests. The ISLA provided for the charter, operation, and supervision of Illinois State savings associations. As of April 1, 2013, no Illinois State savings association have been chartered or operated under the ISLA. Most Illinois State savings associations converted to Illinois State savings banks pursuant to the Savings Bank Act [205 ILCS 205]. The remaining savings associations have converted or merged into other types of depository institutions. No application to form or convert to an Illinois State savings association is before the Department. Nor is the Department otherwise aware of any party seeking to form or convert to an Illinois State savings association.
- 16) Information and questions regarding this adopted rule shall be directed 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

## 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: 100.7300                      Adopted Action: Amendment
  - 4) Statutory Authority: [35 ILCS 5/704A]
  - 5) Effective Date of Rule: April 29, 2015
  - 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*: 39 Ill. Reg. 250, January 2, 2015
  - 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? Yes
  - 14) Are there any rulemakings pending on this Part? Yes
- |                        |                         |                                       |
|------------------------|-------------------------|---------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u>    |
| 100.3450               | New Section             | 38 Ill. Reg. 21758, November 21, 2014 |
- 15) Summary and Purpose of Rulemaking: This rulemaking provides for an earlier due date than is provided in the current rule for electronic filing of Form W-2 information in order

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

to allow the Department to verify withholding and other information reported on returns systemically as the returns are received and processed.

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

Paul Caselton  
Deputy General Counsel Income Tax  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794

217/524-3951

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

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 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

- Section
- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

## Section

100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))  
100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))  
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

## SUBPART J: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

## Section

100.3000 Terms Used in Article 3 (IITA Section 301)  
100.3010 Business and Nonbusiness Income (IITA Section 301)  
100.3015 Business Income Election (IITA Section 1501)  
100.3020 Resident (IITA Section 301)

## SUBPART K: COMPENSATION

## Section

100.3100 Compensation (IITA Section 302)  
100.3110 State (IITA Section 302)  
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

100.3200 Taxability in Other State (IITA Section 303)  
100.3210 Commercial Domicile (IITA Section 303)  
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

## SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

Section	
100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3373	Sales Factor for Publishing
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405	Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART N: ACCOUNTING

Section	
100.4500	Carryovers of Tax Attributes (IITA Section 405)

## SUBPART O: TIME AND PLACE FOR FILING RETURNS

Section	
100.5000	Time for Filing Returns (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

## SUBPART P: COMPOSITE RETURNS

## Section

100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

## SUBPART Q: COMBINED RETURNS

## Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

## SUBPART R: PAYMENTS

## Section

100.6000	Payment on Due Date of Return (IITA Section 601)
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## DEPARTMENT OF REVENUE

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## SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

## Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

## SUBPART T: AMOUNT EXEMPT FROM WITHHOLDING

## Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART U: INFORMATION STATEMENT

## Section

100.7200	Reports for Employee (IITA Section 703)
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## SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section

100.7300	Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310	Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
100.7320	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)

## DEPARTMENT OF REVENUE

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100.7325	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330	Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350	Domestic Service Employment (IITA Sections 704 and 704A)
100.7360	Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370	Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7380	Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

## SUBPART W: ESTIMATED TAX PAYMENTS

## Section

100.8000	Payment of Estimated Tax (IITA Section 803)
100.8010	Failure to Pay Estimated Tax (IITA Sections 804 and 806)

## SUBPART X: COLLECTION AUTHORITY

## Section

100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)
100.9020	Child Support Collection (IITA Section 901)

## SUBPART Y: NOTICE AND DEMAND

## Section

100.9100	Notice and Demand (IITA Section 902)
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## SUBPART Z: ASSESSMENT

## Section

100.9200	Assessment (IITA Section 903)
100.9210	Waiver of Restrictions on Assessment (IITA Section 907)

## SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

## Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

100.9300	Deficiencies and Overpayments (IITA Section 904)
100.9310	Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320	Limitations on Notices of Deficiency (IITA Section 905)
100.9330	Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART BB: CREDITS AND REFUNDS

## Section

100.9400	Credits and Refunds (IITA Section 909)
100.9410	Limitations on Claims for Refund (IITA Section 911)
100.9420	Recovery of Erroneous Refund (IITA Section 912)

## SUBPART CC: INVESTIGATIONS AND HEARINGS

## Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

## SUBPART DD: JUDICIAL REVIEW

## Section

100.9600	Administrative Review Law (IITA Section 1201)
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## SUBPART EE: DEFINITIONS

## Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

## SUBPART FF: LETTER RULING PROCEDURES

## Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENT

100.9800 Letter Ruling Procedures

## SUBPART GG: MISCELLANEOUS

## Section

100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which  
Include Members Using Three-Factor and Single-Factor Formulas

**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

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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;

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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; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015.

## SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

**Section 100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)**

- a) Quarterly returns. Except as otherwise provided in Section 100.7310 or 100.7350, every employer required to deduct and withhold tax on compensation paid in Illinois shall make a return for the first calendar quarter in which the tax is deducted and withheld and for each subsequent calendar quarter (whether or not compensation is paid in that quarter) until a final return is filed. (See IITA Sections 704(c) and 704A(b).) Each return required under this subsection must be made *in the form and manner required by the Department* [35 ILCS 5/704(b) and 704A(b)].
  - 1) For calendar years after 2009, payroll providers who withhold Illinois income tax for employers during the year and who are required to file federal withholding returns on magnetic media under 26 CFR 301.6011-2 shall file returns due under this subsection (a) with the Department using the same magnetic media used for their federal filing.

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- 2) All other returns required under this subsection (a) may be filed with the Department at the address provided on the Form IL-941, Illinois Quarterly Withholding Income Tax Return, or its instructions.
- b) Filing and retention of copies of combined W-2:
  - 1) For calendar years prior to 2008:
    - A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. For calendar years prior to 2008, every employer shall maintain copies of the combined W-2 forms for three years from the due date of the IL-W-3 for that period. For each calendar year after 2007, every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.
    - B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d) above), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.
    - C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s. Employers chosen by the Department will be required to file W-2s in the same manner they are required to file W-2s federally.

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- i) Employers with more than 250 employees in the State of Illinois will be required to provide the W-2s on magnetic tape, diskette, or cartridge meeting the specifications required by the Social Security Administration (see 26 CFR 301.6011-2).
  - ii) All other employers may provide the W-2s on magnetic media or paper.
- D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.

2) W-2s on magnetic media

A) The following persons, if they are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2, shall file copies of the W-2s with the Department using the same magnetic media used for their federal filing ~~no later than March 31 of the year following the year of the withholding, unless a later due date is prescribed under federal law for filing the copies of the W-2, in which case filing of copies with the Department shall be due on the same date (see HTA Sections 704(f) and 704A(f)):~~

iA) for calendar years after 2007, payroll providers who withhold Illinois income tax for employers during the year; and

iiB) for calendar years after 2008, all employers.

B) For calendar years prior to 2014, the copies of W-2s shall be filed no later than March 31 of the year following the year of the withholding, unless a later due date is prescribed under federal law for filing the copies of the W-2s, in which case filing of copies with the Department shall be due on the same date. For calendar years after 2013, the copies of W-2s shall be filed no later than February 15 of the year following the year of the withholding, provided that, if the IRS has granted an extension of time to file a federal information return that would otherwise be due from the

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employer on that date because of natural disaster under IRC section 7508A, an employer who files copies of its W-2s on or before the extended due date of the federal information return is deemed to have reasonable cause for the late filing. (See IITA Sections 704(f) and 704A(f).)

- 3) For calendar years after 2007, with respect to copies of W-2s other than those required to be filed on magnetic media under subsection (b)(2):
  - A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. Every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.
  - B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d)), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.
  - C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s.
  - D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.

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- c) Payments of amounts withheld prior to January 1, 2008. Except as otherwise provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld prior to January 1, 2008:
- 1) Quarter-monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a quarter-monthly tax payment form if the amount of tax deducted and withheld during any quarter-monthly period plus the amount previously withheld and not remitted to the Department exceeds \$1,000. An employer need not file a quarter-monthly form if no quarter-monthly payment is due. Certain taxpayers with tax liabilities exceeding statutory thresholds are required to pay their tax liabilities by electronic funds transfer. 86 Ill. Adm. Code 750 sets forth the rules of the Department concerning payment of taxes by electronic funds transfer, as well as the statutory payment thresholds.
  - 2) Monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a monthly tax payment form if the amount of tax deducted and withheld during any calendar month plus the amount previously withheld and not remitted to this Department exceeds \$500 including amounts previously withheld and not remitted to the Department, but does not exceed \$1,000. An employer need not file a monthly form if no monthly payment is due. No monthly form is required for the third month in any calendar quarter. The information otherwise required to be reported on the monthly form for the third month in a calendar quarter shall be reported on the quarterly return filed for that quarter and no monthly form need be filed for that month.
- d) Payments of amounts withheld on or after January 1, 2008. Except as provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld on or after January 1, 2008:
- 1) Semi-weekly tax payments:
    - A) An employer who withheld or was required to withhold more than \$12,000 during the look-back period for a calendar year must make semi-weekly payments for the entire calendar year.
    - B) An employer who withholds or is required to withhold more than \$12,000 in any quarter of a calendar year is required to make semi-

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weekly payments of amounts withheld or required to be withheld during each remaining quarter of that calendar year and for the subsequent calendar year. (See IITA Section 704A(c)(1).)

- 2) Monthly tax payments. An employer who is not required to make semi-weekly payments shall make monthly payments of taxes withheld or required to be withheld. (See IITA Section 704A(c)(3).)

(Source: Amended at 39 Ill. Reg. 6884, effective April 29, 2015)

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
140.400	Amendment
140.433	Amendment
140.438	Amendment
140.445	Amendment
140.459	Amendment
140.474	Amendment
140.481	Amendment
140.492	Amendment
140.493	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 1, 2015
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: June 30, 2015
- 7) Date Filed with the Index Department: May 1, 2015
- 8) A copy of the emergency rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-2 gives the Department of Healthcare and Family Services the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of the provisions of PA 99-2. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments are pursuant to PA 99-2 that requires the Department to reduce reimbursement rates and payments paid to providers of certain services delivered on or after May 1, 2015 through June 30, 2015. Services exempt from the rate reductions include services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services, inpatient and outpatient services

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delivered by a hospital, services mandated by a court order or services prohibited from a reduction under federal law or regulation.

- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.497	Amendment	38 Ill. Reg. 18308; September 5, 2014
140.462	Amendment	38 Ill. Reg. 19054; September 26, 2014
140.412	Amendment	39 Ill. Reg. 182; January 2, 2015

- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.

- 13) Information and questions regarding this emergency rule shall be directed to:

Mollie Zito  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233  
HFS.Rules@illinois.gov

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

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

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

## SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

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

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- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

- 140.400 Payment to Practitioners
- EMERGENCY
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services

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- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Diagnostic Imaging Services

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- 140.440 Pharmacy Services
- 140.441 Pharmacy Services Not Covered
- 140.442 Prior Approval of Prescriptions
- 140.443 Filling of Prescriptions
- 140.444 Compounded Prescriptions
- 140.445 Legend Prescription Items (Not Compounded)

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- 140.446 Over-the-Counter Items
- 140.447 Reimbursement
- 140.448 Returned Pharmacy Items
- 140.449 Payment of Pharmacy Items
- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
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- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services

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- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 Eligible Home Health Care, Nursing and Public Health Providers
- 140.471 Description of Home Health Care Services
- 140.472 Types of Home Health Care Services

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- 140.473 Prior Approval for Home Health Care Services  
140.474 Payment for Home Health Care Services  
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140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices  
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which  
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140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices  
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic  
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140.479 Limitations, Medical Supplies  
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140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids  
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140.484 Payment for Family Planning Services  
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140.487 Healthy Kids Program Timeliness Standards  
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140.494 Record Requirements for Medical Transportation Services  
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**AUTHORITY:** Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days;

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amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective

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July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150

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days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16

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Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency

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amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill.

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Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective

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January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253,

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effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

**Section 140.400 Payment to Practitioners****EMERGENCY**

- a) This Section applies to physicians, dentists, Advanced Practice Nurses (APN) (see Section 140.435), optometrists, podiatrists and chiropractors.
  - 1) Practitioners are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payers.
  - 2) A practitioner may bill only for services he or she personally provides or which are provided under his or her direct supervision in his or her office by his or her staff. An APN, as described in Section 140.435, may bill only for the services personally provided by the individual APN.

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- 3) Payment will be made only in the practitioner's name or a Department approved alternate payee.
- 4) Except as described otherwise in this Section, payments will be made according to a schedule of statewide pricing screens established by the Department. Covered services provided by qualifying providers under the Maternal and Child Health Program will be reimbursed at enhanced rates as described in subsection (b) of this Section. The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. Except as described otherwise in this Section, the upper limit for services shall not exceed the lowest Medicare charge levels.
  - b) Practitioners who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).
  - c) For services rendered on or after June 1, 2013, a practitioner (radiologist) that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a practitioner shall:
    - 1) Enter into a Supplemental Provider Agreement with the Department; and
    - 2) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the practitioner provides to patients with other forms of insurance; and

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- 3) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed radiologist survey, using the Department's survey form; and
  - 4) Assist the Department with the development and implementation of improved quality standards and services.
- d) The Department will distribute (initially and upon revision of the amounts) to practitioners the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.
- e) Supplemental payments to universities for certain practitioner services
- 1) Supplemental payments are available for services that are provided by practitioners who are employed by an Illinois public university and are services eligible under Titles XIX and XXI of the Social Security Act.
    - A) For dates of service on or after April 1, 2009, supplemental payment will be made on a quarterly basis as described in this subsection (e).
    - B) Supplemental payments under this subsection (e) are subject to federal approval.
    - C) Supplemental payments shall be funded through cooperative agreements between the Department and the State university.
  - 2) Definitions
    - A) "Average Commercial Fee Schedule" means the average commercial fee schedule paid to the university for practitioner services, including patient share amounts, for each CPT code. This

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average shall be based on the participating university's payments from the five largest private insurance carriers for CPT services.

- B) "Base Period Average Commercial Payment Ceiling" means the following computation:
- i) Multiplying the Average Commercial Fee Schedule by the number of paid claims provided in the base period and paid to the university for clients eligible under Titles XIX and XXI of the Social Security Act.
  - ii) Summing the products for all procedure codes as described in subsection (e)(2)(B)(i).
- C) "Base Period Medicare Equivalent Payment Ceiling" means the following computation:
- i) Multiplying the Medicare allowed rate as reported in the April release of the Resources Based Relative Value Scale (RBRVS), by the number of paid claims provided in the based period and paid to the university for clients eligible under Title XIX or XXI of the Social Security Act.
  - ii) Summing the products for all procedure codes as described in subsection (e)(2)(C)(i) of this Section.
- D) "Base Period Medicare Equivalent of the Average Commercial Rate" means the Base Period Average Commercial Payment Ceiling divided by the Base Period Medicare Equivalent Payment Ceiling.
- 3) The supplemental payments shall be determined as follows:
- A) The Medicare Equivalent of the Average Commercial Rate for a practitioner service will be determined by multiplying the Base Period Medicare Equivalent of the Average Commercial Rate by the Medicare payment at the non-facility rate per CPT code for the current period.

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- B) The rates determined in subsection (e)(3)(A) are multiplied by the number of claims for the current period, as reported through the Medicaid Management Information System, to determine the current period supplemental payment ceiling.
  - C) The supplemental payment to the university shall equal the current period payment ceiling at the Medicare Equivalent of the Average Commercial Rate less all payments otherwise made by the Department for the same services for procedure codes rendered in the current period and paid to the university. These supplemental payments shall be based on all available payments and adjustments on file with the Department at the time the payment amount is determined.
- 4) Periodic Updates to the Base Period Medicare Equivalent of the Average Commercial Rate: The Department shall update this ratio at least every three years.
- f) Reimbursement rate reductions pursuant to Public Act 99-0002.
- 1) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates, except for the supplemental rate or portion thereof described in subsection (e) of this Section, for the following practitioner services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015:
    - A) Primary care physician services. For purposes of this subsection, primary care physician services shall mean physician services as defined in Section 140.410 and APN services as defined in Section 140.435.
    - B) Optometric services, pursuant to Section 140.416.
    - C) Dental services, pursuant to Section 140.420.
    - D) Podiatry services, pursuant to Section 140.425.
  - 2) Such reductions shall not apply to: services paid to a provider that is

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operated by unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.433 Payment for Clinical Laboratory Services****EMERGENCY**

- a) Payment for allowable laboratory services includes payment for collection and handling of specimens by laboratory personnel, use of laboratory equipment and supplies, and the written report of test results to the referring practitioner.
- b) Payment for allowable laboratory services provided to recipients who are not eligible for Medicare Part B benefits is based on the laboratory's usual and customary charges within the limitations established by the Department (see Section 140.400).
- c) For recipients eligible for Medicare Part B Coverage, payment is made on deductible and coinsurance amounts up to the limitations established by the Department for the service.
- d) Payment for three or more blood chemistries performed on the same specimen is made on a basis related to the use of automated equipment.
- e) When the laboratory performs profile testing, it must bill the Department by profile. The Department considers two or more thyroid tests performed on the same specimen to be profile testing.
- f) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for laboratory services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

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(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.438 Diagnostic Imaging Services****EMERGENCY**

- a) Payment for diagnostic and imaging services may be made to the following providers that are independent of both a physician's office and a hospital:
  - 1) Imaging Centers that are distinct entities operating primarily for the purpose of providing diagnostic imaging services.
  - 2) Mammography Screening Centers.
  - 3) Portable X-ray Facilities.
  - 4) Independent Diagnostic Testing Facilities (IDTFs) that are a fixed location, a mobile entity, or an individual non-physician practitioner.
  
- b) Participation Requirements
  - 1) To participate in the Illinois Medical Assistance program, an Imaging Center must, in addition to any other Department requirements, be licensed or certified:
    - A) for participation in the Medicare program; or
    - B) by the Joint Commission; or
    - C) by a state public health department; or
    - D) by any government agency having jurisdiction over the services provided and/or the equipment being used.
  - 2) Portable X-ray Facilities shall be approved and certified for participation in the Medicare program.
  - 3) Mammography Screening Centers shall be certified by the Illinois

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Emergency Management Agency or the certifying agency in the state where the center is located.

- 4) Independent Diagnostic Testing Facilities shall be approved and certified for participation in the Medicare program.
- c) Reimbursement
- 1) Diagnostic and imaging services shall be reimbursed on a fee-for-service basis only.
  - 2) Reimbursement may include the technical services, the professional services or both the technical and professional services.
  - 3) Reimbursement shall be made for only those diagnostic or imaging services that have been ordered in writing by the referring practitioner as being essential to diagnosis and treatment. The practitioner must include the diagnosis or condition on the written request.
  - 4) Reimbursement shall be made only to providers who meet all applicable license, enrollment and reimbursement conditions of the Department.
  - 5) Reimbursement to IDTFs shall be made for only those diagnostic and imaging tests certified by Medicare.
  - 6) Except for mammograms, reimbursement shall not be made for routine screening x-rays.
  - 7) Reimbursement for a mammography facility provider that does not qualify under subsection (c)(8) of this Section shall be the lesser of charges or the Department's fee screen.
  - 8) For services rendered on or after June 1, 2013, a mammography facility provider that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a mammography facility provider shall:

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- A) Enter into a Supplemental Provider Agreement with the Department; and
  - B) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the facility provides to patients with other forms of insurance; and
  - C) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed mammography capacity survey, using the Department's survey form; and
  - D) Submit facility-based mammography quality data using the Department's data collection forms; and
  - E) Provide the Department with access to patient and service data upon request; and
  - F) Assist the Department with the development and implementation of a plan to improve the quality of services.
- 9) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for diagnostic and imaging services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015 for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.
- d) Record Requirements
- 1) In addition to the record requirements specified in Section 140.28, providers of diagnostic and imaging services must comply with the administrative rules of the Illinois Department of Public Health governing the maintenance of medical records (77 Ill. Adm. Code 450, Illinois Clinical Laboratories Code).

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- 2) The basic records that must be retained include:
  - A) Patient identification.
  - B) Medical records containing the dates of service and the name of the referring physician.
  - C) The referring practitioner's written orders.
  - D) Copies of reports to referring practitioners.
  - E) The report of the reading by the professional practitioner if both professional and technical components are billed.
  - F) The report of the reading by the professional practitioner that must be retained in the professional practitioner's office if only the professional component is billed by the practitioner.
  - G) Records that verify usual and customary charges to the general public.
- 3) Medical records for Medical Assistance program clients must be made available to the Department or its designated representative in the performance of audits or investigations.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.445 Legend Prescription Items (Not Compounded)****EMERGENCY**

- a) Effective July 1, 2012, for legend (prescription) drugs, the Department shall pay the lower of:
  - 1) the pharmacy's usual and customary charge to the general public;
  - 2) the Department's maximum price plus the established dispensing fee of \$5.50 for generic drugs and \$2.40 for brand name drugs. The Department shall pay only one dispensing fee per 30 days' supply for those drugs

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dispensed in accordance with Section 140.443(h);

- 3) For generic drugs, the Department's maximum price is calculated as the lowest of:
  - A) Wholesale Acquisition Cost (WAC); or
  - B) the Federal upper limit as established under section 1927(e)(4) of the Social Security Act (42 USC 1396r-8(e)(4)); or
  - C) the State upper limit; or
- 4) For brand name drugs, the Department's maximum price is calculated as the lower of:
  - A) WAC; or
  - B) the State upper limit.
- b) Effective February 1, 2013, for generic and brand name drugs purchased under the federal drug pricing program established under Section 340B of the federal Public Health Services Act, the Department shall pay the actual acquisition cost for the drug, as billed by the provider, or the Department's established 340B allowable reimbursement rate for the drug, plus a dispensing fee of \$12.00 for brand and generic drugs.
- c) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, dispensing fees shall be reduced by \$1.00 from the dispensing fees established in subsections (a)(2) and (b) of this Section, for dates of service on or after May 1, 2015 through June 30, 2015.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.459 Payment for Therapy Services****EMERGENCY**

- a) Therapy services shall be paid at an all-inclusive rate that shall be the lower of the following. The rate shall not exceed the upper limits set in federal regulations at

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42 CFR 447.321 (2012) and reimbursement is based upon the applicable modifier billed by the provider.

- 1) The provider's usual and customary charge for services.
  - 2) The maximum reimbursement rate established by the Department.
- b) Maximum Reimbursement Rates. The maximum reimbursement rate:
- 1) For outpatient physical rehabilitation services provided by a hospital (paid per visit and limited to one visit per day):
    - A) That is a children's hospital, as defined in 148.25(d)(3)(A), enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
    - B) Enrolled with the Department to provide outpatient physical rehabilitation shall be \$130.00.
    - C) Not enrolled with the Department to provide outpatient physical rehabilitation shall be \$115.00.
    - D) That is a Critical Access Hospital, as defined in 89 Ill. Adm. Code 148.25(g), the rate shall be based on costs set as of June 30, 2012, pursuant to Public Act 96-1382, and exempt from the 3.5% rate reduction identified in Public Act 97-689.
  - 2) For all other therapy services (paid per quarter hour), rates shall be as published on the Department's website in the Therapy Fee Schedule located at <http://www2.illinois.gov/hfs/MedicalProvider/MedicaidReimbursement/Pages/TherapyFeeSchedule.aspx>.
- c) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for physical, occupational or speech therapy services provided by therapist or community health agency, pursuant to Section 140.457, shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services;

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inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.474 Payment for Home Health Care Services****EMERGENCY**

- a) Effective July 1, 2012, except for services described in subsection (b), home health agencies shall be paid an all inclusive, per visit rate which shall be the lowest of the:
  - 1) Agency's usual and customary charge for the service;
  - 2) Agency's Medicare rate; or
  - 3) Department's maximum allowable rate of as identified in the Home Health Fee Schedule (see the Department's website). Beginning with the State fiscal year 2002, the maximum allowable rate may be adjusted annually in consideration of the appropriation of funds by the General Assembly.
- b) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for those services as determined for each case at the time prior approval is given.
- c) Payment for in-home shift nursing for children who are under 21 years of age under Section 140.472(b) shall be at the Department's established hourly rate to an agency licensed to provide these services. The hourly rate for in-home shift nursing care may be adjusted in consideration of the appropriation of funds by the General Assembly.
- d) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for home health services, pursuant to 140.472 shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015 for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient

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and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids**  
**EMERGENCY**

- a) Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for medical equipment, supplies, prosthetic devices and hearing aids shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section.
  
- b) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established by the Department for each item of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. The maximum allowable rate established for each item or service shall be the rate on the Department's fee schedule. If there is no rate established on the Department's fee schedule, the maximum allowable rate established for each item or service shall be the least of:
  - 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price, defined effective July 1, 2013 as actual acquisition cost including all discounts, derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.

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- c) Medical supplies are medical items which are not durable or reusable such as surgical dressings, disposable syringes, catheters, urinary bags, etc. Payment for medical supplies is made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection (b). The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.
- d) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted quality items as defined in subsection (b). The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
  - 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
  - 3) The Medicare allowable rate for covered Medicare items or services.
- e) Payment for hearing aids shall be made at the lesser of the provider's charge or the maximum allowable rate established by the Department. The hearing aid shall be

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priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing aids. Any discounts, rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached to the request for reimbursement. In addition to payment for the acquisition costs, the Department will pay a dispensing fee. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail markup. The Department shall review and update the maximum allowable rate at least annually.

- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
- 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail markup, determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.

f) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for medical equipment supplies, prosthetic and orthotic devices and hearing aids shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

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(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.492 Payment for Medical Transportation**  
**EMERGENCY**

Notwithstanding the provisions set forth in subsections (a) through (h), beginning July 1, 2002, the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Notwithstanding Section 140.405, beginning with date of service July 1, 2013 and thereafter, the Department's established maximum rate for ambulance services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule, except when a rate that is higher than the rate in effect on June 30, 2012 is specified in subsection (h). Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) For dates of service prior to July 1, 2006, medicar providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- b) For dates of service prior to July 1, 2006, service car providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- c) For dates of service on or after July 1, 2006, medicar providers and service car providers shall be paid at a base rate, a mileage rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e)(5). Mileage reimbursement is made for loaded miles, i.e., those miles for which the provider is actually transporting an individual. Mileage for multiple passengers is reimbursed pursuant to Section 140.490(d).
- d) Private auto providers shall be paid for loaded miles at a mileage rate.

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- e) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- f) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e).
- g) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e). The Department rate shall be reviewed on an annual basis each July.
- h) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate, which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Payment shall also be made for Specialty Care Transport (SCT). Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (h)(1) through (5). Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.
  - 1) Payment shall be made at a basic rate for Basic Life Support (BLS) services that is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50<sup>th</sup> percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for BLS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus \$14.65, as reflected on the Department's Fee Schedule.

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- 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50<sup>th</sup> percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, regardless of the county in which the vehicle is based, loaded miles shall be paid at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate of \$5.00 per mile, as reflected on the Department's Fee Schedule.
  - 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50<sup>th</sup> percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
  - 4) Payment for Advanced Life Support (ALS) services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50<sup>th</sup> percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for ALS services shall be equivalent to the sum of 100% of the rate in effect on June 30, 2012 plus \$14.65, as reflected on the Department's Fee Schedule.
  - 5) Beginning with dates of service July 1, 2013 and thereafter, payment for SCT shall be made at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate, which is equivalent to the sum of 100% of the ALS rate in effect on June 30, 2012 plus \$75.00, as reflected on the Department's Fee Schedule.
- i) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.

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- j) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.
- k) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 140, reimbursement rates for emergency and non-emergency ground and air ambulance services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

**Section 140.493 Payment for Helicopter Transportation**  
**EMERGENCY**

Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for helicopter transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Notwithstanding Section 140.405, beginning with dates of service July 1, 2013 and thereafter, the Department's established maximum rate for helicopter transportation services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule. Payment for helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public. The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491(b)(3) at an all inclusive rate that includes base rate, mileage, supplies and all other services.

- a) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less.
- b) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital

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and the helicopter provider.

- c) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.
- d) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.
- e) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491(b)(3)), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.
- f) Notwithstanding any provisions elsewhere in this Part, reimbursement rates for helicopter ambulance services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015. Such reductions shall not apply to: services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services; inpatient and outpatient services delivered by a hospital; services mandated by a court order; or services prohibited from a reduction under federal law or regulation.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6903, effective May 1, 2015, for a maximum of 150 days)

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
146.225	Amendment
146.650	Amendment
146.840	Amendment
146.910	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 1, 2015
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: June 30, 2015
- 7) Date Filed with the Index Department: May 1, 2015
- 8) A copy of the emergency rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-2 gives the Department of Healthcare and Family Services the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of the provisions of PA 99-2. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subject and Issues Involved: These emergency amendments are pursuant to PA 99-2 that requires the Department to reduce reimbursement rates and payments paid to providers of certain services delivered on or after May 1, 2015 through June 30, 2015. Services exempt from the rate reductions include services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services, inpatient and outpatient services delivered by a hospital, services mandated by a court order or services prohibited from a reduction under federal law or regulation.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

Mollie Zito  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233  
HFS.Rules@illinois.gov

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

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## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 146

## SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

## Section

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

## SUBPART B: SUPPORTIVE LIVING FACILITIES

## Section

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

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

## SUBPART C: STATE HEMOPHILIA PROGRAM

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

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

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

## SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents

[EMERGENCY](#)

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146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

## SUBPART F: BIRTH CENTERS

146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

EMERGENCY

## SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

EMERGENCY

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

**SOURCE:** Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum

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of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015, for a maximum of 150 days.

## SUBPART B: SUPPORTIVE LIVING FACILITIES

**Section 146.225 Reimbursement for Medicaid Residents****EMERGENCY**

Supportive Living Programs (SLPs) shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLP shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLPs shall be updated semi-annually on April 1 and on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates. Notwithstanding the provisions of this subsection, the supportive living program rates shall remain at the level in effect on April 30, 2011.
  - 1) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval, as of July 1, 2014, supportive living program rates shall no longer be 60 percent of the weighted average

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nursing facility rates for the geographic group rate, based upon the nursing facility geographic group in which it is located.

- 2) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval, for dates of service on or after July 1, 2014, rates effective on June 30, 2014 shall be increased 8.85 percent.
  - 3) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval of the imposition of the assessment in 89 Ill. Adm. Code 140.86, for dates of service on or after July 1, 2014, rates effective July 1, 2014 shall be increased an additional 9.09 percent.
  - 4) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 153.126, for services delivered on or after May 1, 2015 through June 30, 2015, supportive living facilities shall have their reimbursement rates reduced by 12.6% from the rates that were in effect on April 30, 2015.
- b) The payment rate received by the SLP from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
  - c) Single Occupancy: Each Medicaid resident of an SLP shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLP may charge each Medicaid resident no more than the current SSI rate for a single individual less a minimum of \$90 for room and board charges. Any income remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLP services paid by the Department.
  - d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLP shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLP may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less a minimum of \$90 for room and board charges. The room and board rate for two Medicaid eligible

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individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLP services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLP may negotiate its own rate with the non-Medicaid individual or individuals.

- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) Payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLP when the absence is due to situations such as hospitalizations or vacations. The resident shall continue to be responsible for room and board charges during any absence. Involuntary discharge criteria relating to temporary absence are found at Section 146.255(b) and (d)(7). Nursing facilities that have a distinct part certified as an SLP shall consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payments pursuant to 89 Ill. Adm. Code 140.523.
  - 1) The day a resident is transferred to the hospital is the first day of the temporary absence.
  - 2) For all other temporary absences, except a long-term care admission, the day after resident leaves the SLP is the first day of the temporary absence.
  - 3) The day before resident returns to the SLP is the last day of the temporary absence.
  - 4) The Department does not pay for temporary absence due to admission to a long-term care facility. In this instance, an SLP shall discharge the resident from the Department's database. An SLP may choose to hold an apartment while a resident is in a long-term care facility.

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- 5) By agreement between the SLP and a resident, an SLP may continue to hold an apartment when a resident has exceeded the 30 days payable by the Department.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6945, effective May 1, 2015, for a maximum of 150 days)

## SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

**Section 146.650 Reimbursement for Medicaid Residents****EMERGENCY**

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

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval, as of July 1, 2014, rates for the supportive living programs with residents residing in a dementia care unit shall no longer be 72 percent of the weighted average nursing facility rates for the geographic group rate, based upon the nursing facility geographic group in which it is located.
- b) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval, for dates of service on or after July 1, 2014, rates effective June 30, 2014 shall be increased 8.85 percent.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153.126, and subject to federal CMS approval of the imposition of the assessment in 89 Ill. Adm. Code 140.86, for dates of service on or after July 1, 2014, rates effective July 1, 2014 shall be increased an additional 9.09 percent.
- d) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 153.126, for services delivered on or after May 1, 2015 through June 30, 2015, supportive living facilities shall have their reimbursement rates reduced by 12.6% from the rates that were in effect on April 30, 2015.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6945, effective May 1, 2015, for a maximum of 150 days)

## SUBPART F: BIRTH CENTERS

**Section 146.840 Reimbursement of Birth Center Services****EMERGENCY**

- a) Facility services provided by a birth center located in Cook County will be reimbursed at the lower of billed charges or 75 percent of the average facility payment rate made to a hospital located in Cook County for an uncomplicated vaginal birth.
- b) Facility services provided by a birth center located outside of Cook County will be reimbursed at the lower of billed charges or 75 percent of the statewide average facility payment rate made to a hospital located outside of Cook County for an uncomplicated vaginal birth.
- c) Observation services will be reimbursed at the lower of billed charges or at 75 percent of the rate established by the Department for the number of hours of observation billed pursuant to 89 Ill. Adm. Code 148.140(b)(1)(D) as reflected at <http://www2.illinois.gov/hfs/PublicInvolvement/hospitalratereform/Pages/Rules.aspx> through dates of service on June 30, 2014. Effective for dates of service on or after July 1, 2014, observation services will be reimbursed at the lower of billed charges or \$53.56 for 1 hour or more.
- d) Transfer fees for a birth center located in Cook County will be reimbursed at the lower of billed charges or 15 percent of the average facility payment rate made to a hospital located in Cook County for an uncomplicated vaginal birth.
- e) Transfer fees for a birth center located outside of Cook County will be reimbursed at the lower of billed charges or 15 percent of the statewide average facility payment rate made to a hospital located outside of Cook County for an uncomplicated vaginal birth.
- f) Notwithstanding any provisions set forth in this Section, reimbursement rates for birth center services shall be reduced by 16.75% from the rates that were otherwise in effect on April 30, 2015, for services delivered on or after May 1, 2015 through June 30, 2015.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6945, effective May 1, 2015, for a maximum of 150 days)

## SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

**Section 146.910 Reimbursement****EMERGENCY**

- a) Facilities licensed under Specialized Mental Health Rehabilitation Act of 2013 shall be reimbursed at:
  - 1) the rate in effect on June 30, 2014, less \$7.07 for each facility previously licensed under the Nursing Home Care Act on June 30, 2013; or
  - 2) the rate in effect on June 30, 2013 for each facility licensed under the Specialized Mental Health Rehabilitation Act on June 30, 2013.
- b) Any adjustment in the support component or the capital component for facilities licensed by the Department of Public Health under the Nursing Home Care Act shall apply equally to facilities licensed by the Department of Public Health under the Specialized Mental Health Rehabilitation Act of 2013.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 shall receive a payment in the amount of \$29.43 per licensed bed, per day, for the period beginning June 1, 2014 and ending June 30, 2014.
- d) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 153, for services delivered on or after May 1, 2015 through June 30, 2015, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, shall have their reimbursement rates reduced by 12.6% from the rates in effect on April 30, 2015.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6945, effective May 1, 2015, for a maximum of 150 days)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.126                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: May 1, 2015
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: June 30, 2015
- 7) Date Filed with the Index Department: May 1, 2015
- 8) A copy of the emergency rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-2 gives the Department of Healthcare and Family Services the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of the provisions of PA 99-2. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subjects and Issues Involved: This emergency amendment is pursuant to PA 99-2 that requires the Department to reduce reimbursement rates and payments paid to providers of certain services delivered on or after May 1, 2015 through June 30, 2015. Services exempt from the rate reductions include services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services, inpatient and outpatient services delivered by a hospital, services mandated by a court order or services prohibited from a reduction under federal law or regulation.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does affect units of local government. It will have an impact on county government entities that own or operate nursing facilities enrolled in the Medical Assistance Program.

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- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/782-1233  
HFS.Rules@illinois.gov

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

## PART 153

## LONG TERM CARE REIMBURSEMENT CHANGES

## Section

- 153.100 Reimbursement for Long Term Care Services  
153.125 Long Term Care Facility Rate Adjustments  
153.126 Long Term Care Facility Medicaid Per Diem Adjustments

EMERGENCY

- 153.150 Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at

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27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007; emergency amendment at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 4105, effective March 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7761, effective May 5, 2008; amended at 32 Ill. Reg. 9972, effective June 27, 2008; amended at 33 Ill. Reg. 9347, effective July 1, 2009; emergency amendment at 34 Ill. Reg. 17462, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 6171, effective March 28, 2011; amended at 35 Ill. Reg. 19524, effective December 1, 2011; emergency amendment at 36 Ill. Reg. 10416, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17405, effective December 1, 2012; amended at 37 Ill. Reg. 10529, effective June 27, 2013; emergency amendment at 38 Ill. Reg. 15732, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23799, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6956, effective May 1, 2015, for a maximum of 150 days.

**Section 153.126 Long Term Care Facility Medicaid Per Diem Adjustments****EMERGENCY**

- a) Notwithstanding the provisions set forth in Section 153.100, the socio-development component for facilities that are federally defined as Institutions for Mental Disease (see 89 Ill. Adm. Code 145.30) shall be increased by 253 percent beginning with services provided on and after March 1, 2008.
- b) Notwithstanding the provisions set forth in Section 153.100, daily residential rates effective on March 1, 2008, for intermediate care facilities for persons with developmental disabilities (ICF/DD), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), for which a patient contribution is required, shall be increased by 2.2 percent.

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- c) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on March 1, 2008 shall be increased by 2.5 percent.
- d) Notwithstanding the provisions set forth in Sections 153.100 and 153.125, for dates of services provided on or after July 1, 2012, the \$10 per day per individual payment for individuals with developmental disabilities in nursing facilities, described in 89 Ill. Adm. Code 147.350, shall be eliminated.
- e) Notwithstanding the provisions set forth in Sections 153.100 and 153.125, on or after July 1, 2012, nursing facilities not designated as Institutions for Mental Disease shall have rates effective May 1, 2011 (see Section 153.125) adjusted as follows:
  - 1) Individual nursing rates for residents classified in Resource Utilization Groups IV (RUG-IV) PA1, PA2, BA1 and BA2, during the quarter ending March 31, 2012, shall be reduced by 10 percent;
  - 2) Individual nursing rates for residents classified in all other RUG-IV groups shall be reduced by 1.0 percent; and
  - 3) Facility rates for the support and capital components shall be reduced by 1.7 percent.
- f) Notwithstanding the provisions set forth in Sections 153.100 and 153.125, on or after July 1, 2012, nursing facilities designated as Institutions for Mental Disease and facilities licensed under the Specialized Mental Health Rehabilitation Act shall have the nursing, socio-development, capital and support components of their reimbursement rate effective May 1, 2011 (see Section 153.125), reduced in total by 2.7 percent.
- g) Notwithstanding the provisions set forth in Sections 153.100 and 153.125, on or after July 1, 2012, supported living facilities, as defined in 89 Ill. Adm. Code 146.205, shall have rates reduced by 2.7 percent.
- h) Notwithstanding the provisions set forth in Sections 153.100 and 153.125 and 89 Ill. Adm. Code 140.560 and 140.561, for services provided on or after July 1, 2014, the support component of a nursing facility's rate for facilities licensed

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under the Nursing Home Care Act as skilled or intermediate care facilities (SNF/ICF) shall be the rate in effect on June 30, 2014, increased by 8.17%.

- i) Long Term Care Facilities for Persons under 22 Years of Age Serving Clinically Complex Residents
  - 1) Effective for dates of service on or after July 1, 2013, long term care facilities for persons under 22 years of age serving clinically complex residents means facilities licensed by the Department of Public Health as long term care facilities for persons under 22 years of age that serve severely and chronically ill pediatric patients requiring exceptional care, if the facility has 30% or more of its patients receiving ventilator care.
  - 2) For dates of services starting July 1, 2013, long term care facilities for persons under 22 years of age serving clinically complex residents shall receive Medicaid reimbursement on 30-day expedited schedule.
  - 3) Effective for dates of service on or after July 1, 2014, for purposes of this Section, a person under 22 years of age is considered clinically complex if the person requires at least one of the following medical services:
    - A) Tracheostomy care with dependence on mechanical ventilation for a minimum of six hours each day.
    - B) Tracheostomy care requiring suctioning at least every six hours, room air mist or oxygen as needed, and dependence on one of the treatment procedures listed under subsection (i)(4), excluding the procedure listed in subsection (i)(4)(B).
    - C) Total parenteral nutrition or other intravenous nutritional support and one of the treatment procedures listed under subsection (i)(4).
  - 4) The following treatment procedures apply to the conditions in subsections (i)(3)(B) and (C):
    - A) Intermittent suctioning at least every eight hours and room air mist or oxygen as needed.

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- B) Continuous intravenous therapy, including administration of therapeutic agents necessary for hydration or of intravenous pharmaceuticals; or intravenous pharmaceutical administration of more than one agent via a peripheral or central line, without continuous infusion.
  - C) Peritoneal dialysis treatments requiring at least four exchanges every 24 hours.
  - D) Tube feeding via nasogastric or gastrostomy tube.
  - E) Other medical technologies required continuously, which in the opinion of the attending physician require the services of a professional nurse.
- 5) Reimbursement
- A) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147, and subject to federal approval of changes to the Title XIX State Plan, for dates of service starting July 1, 2014 through implementation of a new reimbursement system, long term care facilities for persons under 22 years of age serving clinically complex residents shall receive a per diem rate of \$304 for clinically complex residents.
  - B) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140, 144 and 147, and subject to federal approval of changes to the Title XIX State Plan, for dates of service starting July 1, 2014, long term care facilities for persons under 22 years of age serving clinically complex residents that have a policy documenting their method of routine assessment of a resident's potential for being weaned from a ventilator, with interventions implemented noted in the resident's record, shall receive a per diem rate of \$669 for clinically complex residents on a ventilator.
- j) Notwithstanding any provisions set forth in 89 Ill. Adm. Code Parts 147 and 153, for services delivered on or after May 1, 2015 through June 30, 2015, skilled nursing facilities licensed under the Nursing Home Care Act shall have their reimbursement rates reduced by 12.6% from the rates in effect on April 30, 2015.

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except that such adjustment of the reimbursement rate shall not apply to services paid to a provider that is operated by a unit of local government that provides the non-federal share of such services.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 6956, effective May 1, 2015, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE L      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table L to reflect the Agreement between CMS and the International Brotherhood of Boiler Makers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers was signed March 12, 2014. The agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On March 31, 2015, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rates in the southern region effective January 1, 2015. On April 2, 2015, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rates in the central region effective January 1, 2015. The agreement states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate for the employees on the standard pension formula. Effective December 1, 2013, newly hired employees shall be paid the appropriate prevailing rate unless the union opts out because the State has not engaged in good faith vacancy-filling discussions and actions. If the State does not meet the obligations and the union opts out, the State shall retroactively pay 4% above the prevailing rate back to the date the union notified the State of its intent to opt out.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: April 29, 2015
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L, the rate table is removed and a new rate table is added. The new rate table retains the northern region rate effective January 1, 2014 and adds two central and two southern region rates effective January 1, 2015. The difference between the two rates is based on whether the employee was hired prior to December 1, 2013 and receives the

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pension rate above the prevailing rate or the employee was hired on or after December 1, 2013 and only receives the prevailing rate.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: April 29, 2015
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes
- 12) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.270	Repealed	39 Ill. Reg. 587, January 9, 2015
310.410	Amendment	39 Ill. Reg. 587, January 9, 2015
310.APPENDIX A TABLE E	Amendment	39 Ill. Reg. 587, January 9, 2015
310.APPENDIX A TABLE K	Amendment	39 Ill. Reg. 587, January 9, 2015
310.APPENDIX A TABLE N	Amendment	39 Ill. Reg. 587, January 9, 2015
310.APPENDIX A TABLE S	Amendment	39 Ill. Reg. 587, January 9, 2015
310.47	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.100	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.130	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.210	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.410	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE A	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE B	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE C	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE D	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE E	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE F	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE K	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE M	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE S	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE T	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE X	Amendment	39 Ill. Reg. 5634, April 24, 2015
310.APPENDIX A TABLE AC	Amendment	39 Ill. Reg. 5634, April 24, 2015

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 13) Statement of Statewide Policy Objective: The amendments to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory rule shall be directed to:

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

217/782-7964  
fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO  
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN  
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 310.600 Jurisdiction (Repealed)  
310.610 Pay Schedules (Repealed)  
310.620 In-Hiring Rate (Repealed)  
310.630 Definitions (Repealed)  
310.640 Increases in Pay (Repealed)  
310.650 Other Pay Provisions (Repealed)  
310.660 Effective Date (Repealed)  
310.670 Negotiated Rate (Repealed)  
310.680 Trainee Rate (Repealed)  
310.690 Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
- 310.APPENDIX A Negotiated Rates of Pay
- 310.TABLE A RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
- 310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
- 310.TABLE C RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
- 310.TABLE D HR-001 (Teamsters Local #700)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)
- 310.TABLE I RC-009 (Institutional Employees, AFSCME)
- 310.TABLE J RC-014 (Clerical Employees, AFSCME)
- 310.TABLE K RC-023 (Registered Nurses, INA)
- 310.TABLE L RC-008 (Boilermakers)
- 310.TABLE M RC-110 (Conservation Police Lodge)
- 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)
- 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
- 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
- 310.TABLE Q RC-033 (Meat Inspectors, IFPE)
- 310.TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
- 310.TABLE S VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)

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310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
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310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
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310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
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310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984,

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for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150

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days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4,

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1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg.

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6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1,

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2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4,

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2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg.

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13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment

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at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Hired</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
Boiler Safety Specialist	04910	Northern		January 1, 2014	8005.74
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6876.48</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Central</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2015</u>	<u>6612.00</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>Prior to December 1, 2013</u>	<u>January 1, 2015</u>	<u>6032.58</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>On or after December 1, 2013</u>	<u>January 1, 2015</u>	<u>5801.16</u>
<del>Boiler Safety Specialist</del>	<del>04910</del>	<del>Central</del>	<del>January 1, 2013</del>	<del>6514.56</del>	
<del>Boiler Safety Specialist</del>	<del>04910</del>	<del>Southern</del>	<del>January 1, 2014</del>	<del>5801.16</del>	

**Northern Region:** Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

**Central Region:** Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

**Southern Region:** Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended by peremptory rulemaking at 39 Ill. Reg. 6964, effective April 29, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 28, 2015 through May 4, 2015. The Department of Financial and Professional Regulation, Department of Public Health, and first Illinois Commerce Commission rulemakings are scheduled for review at the Committee's May 12, 2015 meeting. The last 2 Illinois Commerce Commission and Department of Employment Security rulemakings are scheduled for review at the Committee's June 16, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/10/15	<u>Department of Financial and Professional Regulation</u> , Real Estate Appraisers Licensing (68 Ill. Adm. Code 1455)	1/23/15 39 Ill. Reg. 1362	5/12/15
6/10/15	<u>Department of Public Health</u> , Immunization Registry Code (77 Ill. Adm. Code 689)	10/31/14 38 Ill. Reg. 20602	5/12/15
6/11/15	<u>Illinois Commerce Commission</u> , Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	11/7/14 38 Ill. Reg. 20849	5/12/15
6/17/15	<u>Illinois Commerce Commission</u> , Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 Ill. Adm. Code 500)	8/29/14 38 Ill. Reg. 17970	6/16/15
6/17/15	<u>Illinois Commerce Commission</u> , Standards of Service for Gas Utilities (Repealer) (83 Ill. Adm. Code 500)	8/29/14 38 Ill. Reg. 17941	6/16/15
6/17/15	<u>Department of Employment Security</u> , Notices, Records, Reports (56 Ill. Adm. Code 2760)	2/20/15 39 Ill. Reg. 2464	6/16/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/17/15	<u>Department of Employment Security, Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765)</u>	2/20/15 39 Ill. Reg. 2477	6/16/15
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**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 39, Issue 20 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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