



**TABLE OF CONTENTS**

**June 23, 2017 Volume 41, Issue 25**

**PROPOSED RULES**

**COMMUNITY COLLEGE BOARD, ILLINOIS**

Administration of the Illinois Public Community College Act  
23 Ill. Adm. Code 1501.....7029

**EMERGENCY MANAGEMENT AGENCY, ILLINOIS**

Fees for Analytical Testing of Community Drinking Water Supply  
Samples for Radionuclides (Repealer)  
32 Ill. Adm. Code 336.....7075  
Certification and Operation of Radiochemistry Laboratories (Repealer)  
32 Ill. Adm. Code 406.....7082

**REVENUE, DEPARTMENT OF**

Retailers' Occupation Tax  
86 Ill. Adm. Code 130.....7107

**ADOPTED RULES**

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

Americans With Disabilities Act Grievance Procedure  
4 Ill. Adm. Code 425.....7127

**EMERGENCY MANAGEMENT AGENCY, ILLINOIS**

Information, Rulemaking and Organization (Repealer)  
2 Ill. Adm. Code 2950.....7131

**OFFICE OF THE STATE TREASURER**

Achieving A Better Life Experience (Able) Account Program  
74 Ill. Adm. Code 722.....7133

**PUBLIC HEALTH, DEPARTMENT OF**

Hospital Licensing Requirements  
77 Ill. Adm. Code 250.....7154

**PEREMPTORY RULES**

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

Pay Plan  
80 Ill. Adm. Code 310.....7227

**SECOND NOTICES RECEIVED**

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Second Notices Received.....7255

**NOTICES REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

**ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS**

Notice of Public Information.....7257

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**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 15, 2017 until July 3, 2017.

## 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 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017
21	May 15, 2017	May 26, 2017

22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1501.201	Amended
1501.303	Amended
1501.308	Amended
1501.406	Amended
1501.503	Amended
1501.504	Amended
1501.506	Amended
1501.510	Amended
1501.511	Amended
1501.516	Amended
1501.518	Repealed
1501.519	Amended
1501.521	Repealed
1501.523	Repealed
1501.601	Amended
1501.602	Amended
1501.603	Amended
1501.604	Amended
1501.605	Repealed
1501.607	Amended
1501.608	Amended
1501.609	Amended
1501.610	Amended
- 4) Statutory Authority: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-655, approved by the Governor on July 28, 2016, amends the Illinois Public Community College Act to reduce data redundancy and eliminate data collections that are not vital to the goals established by the ICCB. In doing so, the ICCB is no longer required to approve locally funded community college capital projects or submit uniform financial reporting system data. The Act also repeals statutory language for programs that are inactive and unfunded, including Foundation Matching Grants. Additionally, ICCB staff has

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

undertaken a thorough review of its Administrative Rules with a focus on reducing data collection redundancy and streamlining administrative processes. These amendments reflect modernization of reporting requirements and due dates.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Illinois Community College Board  
Attn: Matt Berry  
401 East Capitol Avenue  
Springfield IL 62701-1711

217/785-7411  
fax: 217/524-4981  
Matt.berry@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: December 16, 2016; 40 Ill. Reg. 16167

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

- 1501.101 Definition of Terms and Incorporations by Reference
- 1501.102 Advisory Groups
- 1501.103 Rule Adoption (Recodified)
- 1501.104 Manuals
- 1501.105 Advisory Opinions
- 1501.106 Executive Director
- 1501.107 Information Request (Recodified)
- 1501.108 Organization of ICCB
- 1501.109 Appearance at ICCB Meetings
- 1501.110 Appeal Procedure
- 1501.111 Reporting Requirements (Repealed)
- 1501.112 Certification of Organization (Repealed)
- 1501.113 Administration of Detachments and Subsequent Annexations
- 1501.114 Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

- 1501.201 Reporting Requirements
- 1501.202 Certification of Organization
- 1501.203 Delineation of Responsibilities
- 1501.204 Maintenance of Documents or Information
- 1501.205 Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

- 1501.301 Definition of Terms
- 1501.302 Units of Instruction, Research, and Public Service

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

## SUBPART D: STUDENTS

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

## SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Student Tuition
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grant (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts ( <a href="#">Repealed</a> )
1501.519	Special Initiatives Grants
1501.520	Lincoln's Challenge Scholarship Grants

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1501.521 Technology Enhancement Grants [\(Repealed\)](#)  
1501.522 Deferred Maintenance Grants (Repealed)  
1501.523 Foundation Matching Grants [\(Repealed\)](#)

## SUBPART F: CAPITAL PROJECTS

## Section

- 1501.601 Definition of Terms  
1501.602 Approval of Capital Projects  
1501.603 State-Funded Capital Projects  
1501.604 Locally Funded Capital Projects  
1501.605 Project Changes [\(Repealed\)](#)  
1501.606 Progress Reports (Repealed)  
1501.607 Reporting Requirements  
1501.608 Approval of Projects in [from 110 ILCS 805/Section 3-20.3.01-of the Act](#)  
1501.609 Completion of Projects [from 110 ILCS 805/Under Section 3-20.3.01-of the Act](#)  
1501.610 Demolition of Facilities

## SUBPART G: STATE COMMUNITY COLLEGE

## Section

- 1501.701 Definition of Terms  
1501.702 Applicability  
1501.703 Recognition  
1501.704 Programs  
1501.705 Finance  
1501.706 Personnel  
1501.707 Facilities

## SUBPART H: PERSONNEL

## Section

- 1501.801 Definition of Terms  
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002; amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092, effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: LOCAL DISTRICT ADMINISTRATION

**Section 1501.201 Reporting Requirements**

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Complete and accurate reports shall be submitted by the district/college to ~~the~~ ICCB in accordance with ICCB requirements and on forms provided by ~~the~~ ICCB, where applicable. Listed ~~in this Section below~~ is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

- January 15     • annual financial statements and notice of publication (see Section 1501.506)
- January 31     • certificate of tax levy (see Section 1501.510(~~fj~~))  
                  • construction project status reports (see Section 1501.607(a))  
                  • ~~fiscal year to date unaudited uniform financial reporting system data (see Section 1501.510(i))~~
- February 1     • annual African American Employment Plan Survey (see Section 1501.308(b))  
                  • annual Hispanic/Latino Employment Plan Survey (see Section 1501.308(b))  
                  • annual Asian Employment Plan Survey (see Section 1501.308(b))  
                  • annual Bilingual Needs and Bilingual Pay Survey (see Section 1501.308(b))
- February 15    • spring semester (2<sup>nd</sup> term) enrollment survey (see Section 1501.406(~~ba~~))
- March 1       • annual Underrepresented Groups Report (see Section 1501.406(c))
- May 30       • ~~occupational follow up study data for specified curricula (FS) (see Section 1501.406(e))~~
- June 15       • annual faculty, staff salary and benefits data (see Section 1501.308(a))
- July 1          • Resource Allocation and Management Plan (RAMP/CC) (see Section 1501.510(~~ab~~))  
                  • ~~application for recognition for specified colleges (see Section 1501.202(d))~~
- July 15       • report of out-of-state extensions (see Section 1501.307(h)(4))  
                  • annual noncredit course enrollment (see Section 1501.406(d))
- July 31       • ~~fiscal year to date unaudited uniform financial reporting system data (see Section 1501.510(a))~~
- August 1       • ~~program review report (see Section 1501.303(d))~~  
                  • ~~program review listing (see Section 1501.303(d))~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- annual student enrollment and completion data (see Section 1501.406(a))
  - square footage and acreage (facility information) (see Section 1501.510(be))
  - ~~special initiative grants report (see Section 1501.519(d))~~
  - ~~annual report of Student Identification information (see Section 1501.406(g))~~
- September 1
- ~~unit cost data (see Section 1501.510(d))~~
  - budget and tax survey (see Section 1501.510(de))
  - program review report (see Section 1501.303(d)(6))
  - program review listing (see Section 1501.303(d)(6))
  - facilities data (see Section 1501.510(ef) and 1501.607(c))
  - annual Student Identification data submission (see Section 1501.406(f))
  - annual report of student course information submission (see Section 1501.406(g))
- October 1
- fall semester enrollment data (see Section 1501.406(a))
  - fall semester enrollment survey (see Section 1501.406(b))
  - ~~fall enrollment data (see Section 1501.406(a))~~
- October 15
- faculty, staff and salary data (see Section 1501.308(a))
  - ~~external audit (see Section 1501.503(a))~~
  - ~~special initiative grants audit (see Section 1501.503(a))~~
  - fiscal year budget (see Section 1501.504)
  - ~~certificate of chargeback (see Section 1501.503(a))~~
  - ~~annual fiscal year audited uniform financial reporting system data (see Section 1501.510(g))~~
  - ~~audit/fiscal year audited uniform financial reporting system data reconciliation statement (see Section 1501.510(g))~~
  - ~~audit /unit cost reconciliation statement (see Sections 1501.503(e) and 1501.510(h))~~
  - ~~unexpended special initiative grant funds (see Section 1501.519(e))~~
- November 1
- summer graduate reporting (for the Integrated Postsecondary Education Data System Graduation Rate Survey)annual report on summer graduates (for IPEDS GRS) (see Section 1501.406(ef))
- December 1
- ~~annual financial statements and notice of publication (see Section 1501.506)~~
  - ~~underrepresented groups report (see Section 1501.406(d))~~
- December 31
- external audit (see Section 1501.503(a))

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- [annual instructional cost report \(see Section 1501.510\(c\)\)](#)
- [unexpended special initiative grant funds \(see Section 1501.519\(d\)\)](#)

30 days after the end of each term – credit hour claims (see Section 1501.~~406606~~(b) and Section 1501.507(a))

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROGRAMS

**Section 1501.303 Program Requirements**

- a) Comprehensive Program. The programs of ~~a~~each college shall be comprehensive and shall include: pre-baccalaureate, occupational, and general studies curricula, and public service programs.
- b) Degrees and Certificates. A college shall award associate degrees and certificates in accordance with units of instruction approved by ~~the~~ ICCB. This authority is not extended to administrative units of the college.
- c) Honorary Degrees. Honorary degrees awarded by a board shall be limited to the associate degree.
- d) Review and Evaluation of Programs.
  - 1) ~~A~~Each college shall have a systematic, ~~collegewide~~~~college-wide~~ program review process for evaluating all of its instructional, student services, and academic support programs at least once within a five-year cycle.
  - 2) The minimum review criteria for program review shall be program need, program cost, and program quality, as defined by each college.
  - 3) The review of academic disciplines, general education, adult education, and all other cross-disciplinary programs shall be scheduled according to the published ICCB schedule. A college shall follow the published schedule set by ICCB that shows when each program will be reviewed during a five-year cycle. If a college seeks an exception to the published schedule, the college must receive written approval from ICCB.~~Each college shall develop a schedule that shows when each program will be~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~reviewed during each five-year cycle. Occupational programs shall be scheduled in the year following their inclusion in the ICCB follow up study unless the college obtains an exception in writing from the ICCB. The review of general education objectives of the academic programs shall be scheduled annually, but may focus each year on areas specified by the Illinois Board of Higher Education and ICCB.~~

- 4) ~~The~~ ICCB may request the college to include special reviews of programs that have been identified as a result of State-level analyses, legislative resolutions, or Illinois Board of Higher Education policy studies by notifying the college of this request ~~before~~prior to January 1 of the year the special review is to be conducted.
  - 5) ~~A~~Each college shall keep on file for ICCB recognition purposes a copy of its current program review process, its five-year schedule for program review, and complete reports of program reviews conducted during the past five years.
  - 6) ~~A~~Each college shall submit to ~~the~~ ICCB by ~~September~~August 1 each year a summary report of its previous year's program review results in a format designated by the ICCB and a copy of its current five-year schedule of program reviews. If an institution cannot meet this deadline, a written request for an extension shall be submitted to ICCB for approval.
- e) Academic Calendar.
- 1) A college shall operate on an academic calendar that provides at least two academic terms consisting of at least 15 weeks (at least 75 days of instruction each), three academic terms consisting of at least 10 weeks (at least 50 days of instruction each) or a different combination of academic terms consisting of at least 30 weeks (at least 150 days of instruction).
  - 2) The days of instruction prescribed in subsection (e)(1) shall include all days when there is a full schedule of classes and support services, but will exclude holidays, Saturdays, Sundays, and days scheduled exclusively for registration, orientation, ~~collegewide~~college-wide placement or assessment testing, faculty workshops, and final examinations.
  - 3) Colleges may include terms during the summer or any other time during

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

the year, in addition to the ones identified in subsection (e)(1).

- 4) Courses/classes may be scheduled between academic terms, spanning academic terms, for a shorter time frame than the academic term, or for a longer time frame than the academic term, if the schedule provides sufficient duration and contact hours to meet the requirements in Sections 1501.309(b) and 1501.507(b)(10).
- 5) If an emergency such as a fire, flood, or strike makes it necessary for the college to shorten one of its academic terms, the college may request that the ~~Executive Director/ICCB President/CEO~~ approve a shorter term. In such cases, the length of the term may be shortened, but only to the extent that enables all courses to meet the contact hours specified in Section 1501.309(b).
- 6) If a college entered into a contract with its faculty regarding the length of the academic calendar in compliance with subsection (e)(1) ~~before~~prior to the effective date of this revision, it may continue to operate under ~~the provisions of~~ that contract until that contract is renegotiated or expires.
- 7) Colleges must have a plan in place to address modifications to the academic terms in the event of an emergency. This plan must be approved by the Board of Trustees.
- f) Preparation of Professional Staff. Professional staff shall be educated and prepared in accordance with generally accepted standards and practices for teaching, supervising, counseling and administering the curriculum or supporting system to which they are assigned. Such preparation may include collegiate study and professional experience. Graduate work through the master's degree in the assigned field or area of responsibility is expected, except in those areas in which the work experience and related training is the principal learning medium.
- g) Library. ~~A~~Each college shall maintain a library or learning resource center with a collection of reference works and other learning resources to meet the specific needs of its curricula and students. This collection shall be kept up to date through a planned program of acquisition and deletion.
- h) Supplies and Equipment. Classrooms, laboratories, and shops shall be provided with equipment and supplies that are adequate for effective teaching and learning.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) General Education. Organized curricula leading to an associate degree shall include general education courses designed to contribute to the liberal education of each student.
- j) Apprenticeships. A college that participates in apprenticeships coordinated by the ~~Office~~Bureau of Apprenticeship-~~Training~~, U.S. Department of Labor and/or other programs related to business, industrial, or trade groups or organizations shall meet applicable federal, State, and local governmental rules, regulations, and guidelines.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.308 Reporting Requirements**

~~A~~Each college shall submit the following specified items in a format prescribed by ~~the~~ICCB and according to the schedules indicated:

- a) Annual salary data and basic characteristics, including but not limited to sex, date of birth, ethnic classification, highest degree earned, tenure status, and employment or teaching areas, of the faculty and staff employed by the college as of October 1 shall be submitted on or before October 15 of each year. Fiscal year data shall be submitted on or before June 15.
- b) An annual African American Employment Plan Survey, Hispanic/Latino Employment Plan Survey, Asian Employment Plan Survey, and Bilingual Needs and Bilingual Pay Survey submitted on or before February 1. (See 5 ILCS 410.)

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: STUDENTS

**Section 1501.406 Reporting Requirements**

~~A~~Each college shall submit the items listed in this Section below in a format prescribed by ~~the~~ICCB and according to the schedules indicated.

- a) Basic characteristics, including sex, date of birth, ethnic classification, and instructional area of enrollment, of each student enrolled in all courses offered for

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

credit during each term within the following schedule:

- 1) Students enrolled as of the end of the regular registration during the fall term shall be reported on or before October 1 of that year.
  - 2) Students enrolled and/or completing a certificate or degree program during the fiscal year shall be reported on or before August 1.
- b) Student headcount and full-time equivalent enrollments as of the end of regular registration for fall and spring/winter terms within the following schedule:
- 1) Fall Term: On or before October 1
  - ~~2) Winter Quarter: On or before February 15~~
  - 23) Spring Semester On or before February 15
- ~~e) Colleges shall conduct a follow-up study of all students who completed specified occupational/career curricula during the previous fiscal year and shall report the results of this study on or before May 30 of that year in a format prescribed by the ICCB. Curricula to be included in the study will be specified in the ICCB Occupational Follow-up Study Manual.~~
- ~~cd)~~ An annual report on underrepresented groups submitted on or before March~~December~~ 1.
- ~~de)~~ An annual noncredit course enrollment~~community education and community service~~ data submission (N1) on or before July 15.
- ~~ef)~~ Summer graduate reporting~~An annual report on summer graduates~~ (for the Integrated Postsecondary Educational Data System Graduation Rate Survey) submitted on or before November 1.
- ~~fg)~~ An annual ~~report of~~ Student Identification data submission~~information submitted~~ on or before September 1.
- g) An annual course submission on or before September 1.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: FINANCE

**Section 1501.503 Audits**

- a) External Audits.
- 1) A copy~~Two copies~~ of the annual external audit shall be submitted electronically to ~~the~~ ICCB on or before December 31~~October 15~~, following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the Executive Director~~President/CEO~~ before November 15~~October 1~~, following the close of the fiscal year. This request shall be with~~accompanied by~~ an explanation of the circumstances that~~which~~ cause the report to be delayed, along with an estimated date for submission.
  - 2) An~~Each~~ audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a State grant compliance section that includes~~which shall include~~ a schedule of enrollment data, a proof~~verification~~ of enrollment data, a description of the process for verifying residency status, a schedule of the district equalized assessed valuation, schedules for the restricted/special initiative grants distributed by ~~the~~ ICCB and received by the district in the manner and format established by ~~the~~ ICCB, and a schedule of federal financial assistance and related reports as prescribed by the federal Office of Management and Budget.
  - 3) Each ICCB restricted or special initiatives grant shall verify that grant funds received by the district were expended in the manner designated by ~~the~~ ICCB. ~~The~~ ICCB shall designate allowable expenditures for each of the restricted or special initiatives grants to include, but not be limited to, salary and benefits, contractual services, materials, instructional and office equipment, staff development, and travel. The external audit shall include an auditor's report on compliance with State requirements (available upon request)~~(available upon request)~~, along with a balance sheet and a statement of revenues and expenditures based upon an understanding of the purpose of the grant, allowable expenditures, expenditure limitations, grant administrative

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

standards, and transfer of funds, if applicable.

- b) Confirmation of ICCB Grants. ~~To confirm~~~~For the purposes of confirming~~ district records, ~~each~~ district shall provide a copy of ~~the~~ ICCB allocation of grants to its external auditor. ~~External~~~~Each district shall notify its independent external auditing firms can confirm allocations using the Operating Budget and Technical Appendix located on the ICCB website~~~~firm of this information and instruct that firm to make any requests for confirmation directly to the ICCB.~~
- e) ~~Upon completion of the external audit, the district shall reconcile its audited expenditures to previously submitted unit cost data. The reconciliation shall be submitted on forms provided by the ICCB.~~
- d) ~~Upon completion of the external audit, the district shall reconcile its audited expenditures to the fiscal year audited uniform financial reporting system data. The reconciliation shall be submitted on forms provided by the ICCB.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.504 Budgets**

~~An electronic~~~~One (1)~~ copy of the official district budget shall be filed with ~~the~~ ICCB by October 15 of each year in the format prescribed by the ICCB. ~~An electronic copy~~~~Copies~~ of amended budgets shall also be filed with ~~the~~ ICCB within ~~thirty (30)~~ days after their adoption. Colleges may develop a budget format for internal use ~~that which~~ reflects their own individual organizational structures.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.506 Published Financial Statements**

The Annual Financial Statement shall be published in at least one ~~(1)~~ newspaper having general circulation within the district. If no such newspaper exists, then publications shall be made in ~~two (2)~~ or more newspapers which together cover the district. This statement shall be published ~~not~~ later than ~~December 31~~~~November 15~~, following the close of the fiscal year. ~~A~~~~One (1)~~ copy shall be filed with ~~the~~ ICCB on or before ~~January 15~~~~December 1~~, following the close of the fiscal year.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1501.510 Reporting Requirements**

~~A~~Each college shall submit the items listed in this Section below in a format prescribed by ~~the~~ ICCB and according to the schedules indicated.

- ~~a)~~ Fiscal year to date unaudited uniform financial reporting system data by July 31 for the period July 1 June 30 of the previous fiscal year.
- ~~ab)~~ Resource Allocation~~allocation~~ and Management Plan~~management plan~~ (RAMP) data by July 1 of each year.
- ~~be)~~ Construction in progress and acreage by August 1 of each fiscal year.
- ~~ce)~~ Annual Instruction Cost Report~~Unit cost data~~ in a format prescribed by ~~the~~ ICCB for the previous fiscal year by December 31~~September 1~~ following the end of that fiscal year.
- ~~de)~~ A survey of local budget and tax extensions and collections by September 1 of each year.
- ~~ef)~~ F3, F6, B3, and R3 facilities data submission to report existing space in use for educational purposes at the end of the fiscal year (June 30) by September 1 following the end of the fiscal year.
- ~~g)~~ Annual fiscal year audited uniform financial reporting system data and an audit/fiscal year audited uniform financial reporting system data reconciliation statement by October 15 following the end of the previous fiscal year.
- ~~h)~~ Audit/Unit Cost Reconciliation Statements by October 15 of each year.
- ~~i)~~ Fiscal year to date unaudited uniform financial reporting system data by January 31 for the period July 1 December 31.
- ~~ij)~~ Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.511 Chart of Accounts**

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Community College Funds. The funds listed below or a subset of these funds shall be used for publicly reporting community college financial transactions. The local ~~board of trustees~~~~Board of Trustees~~ may determine the distribution of unrestricted revenues among the operating funds, ~~that is, i.e.,~~ the Education Fund~~;~~ the Operations, Building and Maintenance Fund~~;~~ and the Public Building Commission Operation and Maintenance Fund.
- 1) Operating Funds.
    - A) Education Fund. Local property taxes for educational purposes shall be recorded as revenue in this fund.
    - B) Operations, Building and Maintenance Fund. Local property taxes for operations, building, and maintenance purposes shall be recorded as revenue in this fund.
    - C) Public Building Commission Operation and Maintenance Fund. Local property taxes for the operation and maintenance of college buildings leased from the Public Building Commission shall be recorded in this fund. Each agreement to operate and maintain property must be accounted for using a separate set of self-balancing accounts.
  - 2) Restricted Purposes Fund. This fund is ~~to account for the purpose of accounting~~ for monies that have external restrictions regarding their use. Each of the restricted sources of revenue in this fund shall be accounted for separately using a group of self-balancing accounts.
  - 3) Audit Fund. The audit tax levy shall be recorded in this fund. Monies in this fund shall be used only for the payment of auditing expenses.
  - 4) Liability, Protection and Settlement Fund. The tort liability and Medicare insurance/FICA tax levies should be recorded in this fund. The monies in this fund and interest earned on assets shall be used only for the payment of tort liability, unemployment, ~~or~~ worker's compensation insurance and/or claims, or the cost of participation in the federal Medicare/Social Security program.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 5) Bond and Interest Fund. Revenues in this fund consist of property taxes for principal and interest bond payments. All principal and interest bond payments shall be expended from this fund. The debt service for each bond issue must be accounted for with a group of self-balancing accounts within the fund.
- 6) Public Building Commission Rental Fund. Local property taxes for the payment of lease obligations to the Public Building Commission shall be recorded in this fund. Each lease with the Public Building Commission shall be accounted for using a separate group of self-balancing accounts.
- 7) Operations, Building and Maintenance Fund (Restricted). This fund is used to account for funds which can be used only for site acquisition and construction and equipping of buildings. The monies in this fund shall not be permanently transferred or loaned to any other fund.
- 8) Building Bond Proceeds Fund. Proceeds from construction bonds shall be recorded in this fund. Each bond issue shall be accounted for using a separate group of self-balancing accounts.
- 9) Auxiliary Enterprises Fund. This fund is ~~to account for the purpose of accounting~~ for those services ~~for which~~ where a fee is being charged students and staff. Only monies that the institution has control of should be included in this fund. Each enterprise service where a fee is being charged should be accounted for using a separate group of self-balancing accounts.
- 10) Working Cash Fund. This fund shall be used to account for the proceeds of working cash bonds.
- 11) Trust and Agency Fund. This fund shall be used to receive and hold monies in which the district serves as a custodian or fiscal agent for another body.
- 12) Investment in Plant Account Group. This group of accounts shall be used to record the cost/value of plant assets.
- 13) Long-term Liabilities Account Group. This group of accounts shall be used to record liabilities that are payable beyond the current fiscal year.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) Program and Object Codes. The program and object codes (report structure) used by ~~the~~ ICCB shall be used for publicly reporting community college financial transactions.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.516 Capital Renewal Grants**

- a) Districts may apply annually to ~~the~~ ICCB for approval of capital renewal grant projects. Requests for ICCB approval of capital renewal grant projects shall be submitted using forms prescribed by ~~the~~ ICCB.
- b) Expenditures of funds from this grant are limited to capital renewal projects that are within the scope of the definition of capital renewal grants contained in Section 1501.501.
- c) Funds received from this grant shall be accounted for in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).
- d) Other sources of funding may be added to capital renewal grant funds to finance larger projects.
- e) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.603(gf).
- f) Authority to approve capital renewal grant projects is delegated to ~~the~~ ICCB or its ~~Executive Director~~ President/CEO.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.518 Uncollectible Debts (Repealed)**

- a) ~~In order to access the State Comptroller for the collection of debts owed a community college, the board of trustees shall maintain documentation of each debtor's debt in a separate file which shall be available for inspection by the ICCB or the Comptroller of the State of Illinois. Only debts in excess of \$150 may be submitted for collection.~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~Each debtor's file shall be maintained for a period of five years and shall include:~~
  - 1) ~~A description of the cause for the debt;~~
  - 2) ~~Correspondence concerning attempts to collect the debt locally;~~
  - 3) ~~Evidence of an opportunity for a hearing and review of the debt and the final outcome of such hearing and review.~~
- e) ~~Claims shall be submitted on forms and in the format prescribed by the ICCB.~~
- d) ~~The board of trustees shall submit a claim to the State of Illinois only after exhausting local options for collection of the debt.~~
- e) ~~The board of trustees shall give the debtor due process in accordance with the Illinois State Collection Act of 1986 [30 ILCS 210].~~
- f) ~~Any debtor scheduled to make repayments, who is not yet delinquent or who currently is making periodic payments to reduce a debt, shall not be submitted to the State for collection.~~
- g) ~~The board of trustees shall approve the debt to be submitted for collection.~~
- h) ~~The President/CEO of the ICCB is authorized to accept claims from the boards of trustees for collection. ICCB acceptance of claims is made when claims are submitted to the Comptroller of the State of Illinois. The board of trustees will be notified of acceptance or nonacceptance of the claims by the ICCB.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.519 Special Initiatives Grants**

- a) ~~Special initiatives grants shall be awarded to Illinois public community college districts after a request for proposal process based upon criteria approved by the ICCB or specified in statute.~~
- ab) Allowable expenditures for special initiatives grants will be specified in the grant agreement between the college or vendor and ~~the~~ ICCB.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- ~~b~~e) Special initiatives grant funds shall be accounted for in a restricted account set of self-balancing accounts within the fund specified.
- ~~c~~d) The If specified in grant agreement, by August 1 following the end of the fiscal year, the community college district or other vendor shall file a report with ~~the~~ ICCB in a format used by ~~the~~ ICCB or in accordance with the grant agreement, detailing how the funds were used utilized.
- ~~d~~e) Special initiatives grant funds shall be expended by the date specified in the grant agreement. If the grant agreement allows, goods and services for which funds have been obligated by the contract end date shall be received and paid for ~~not~~ no later than 60 days after the grant agreement end date. Unexpended funds shall be returned to ~~the~~ ICCB on or before December 31 ~~no later than 90 days after the end of the grant agreement or as specified in the grant agreement~~.
- ~~e~~f) Special initiatives grant funds not used in accordance with the terms specified in the grant agreement regardless of the amount shall be returned to ~~the~~ ICCB within six months after receipt of the external audit report by ~~the~~ ICCB or other identification of improper expenditures subsequently verified by ~~the~~ ICCB.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.521 Technology Enhancement Grants (Repealed)**

- ~~a~~) Requests for technology enhancement grants shall be submitted in a format prescribed by the ICCB.
- ~~b~~) Eligibility for technology enhancement grants shall include the local district board of trustees' approval of the project and certification of the availability of a 25 percent contribution to the total project cost.
- ~~e~~) Funds received from this grant shall be accounted for in the Operations, Building, and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).
- ~~d~~) Other sources of funding may be added to technology enhancement grant funds to finance larger projects.
- ~~e~~) Grant funds shall only be used in facilities owned by the district.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- f) ~~Allowable expenditures of funds, as submitted in the grant application, will be specified in a grant agreement executed with each Illinois public community college district eligible to receive the technology enhancement grant funds.~~
- g) ~~Technology enhancement grant funds shall be expended within the grant period as specified in the grant agreement and pursuant to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705].~~
- h) ~~Technology enhancement grant funds not used in accordance with this Section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper expenditures subsequently verified by the ICCB.~~
- i) ~~Each community college district receiving grant funds shall file a report with the ICCB in a format prescribed by the ICCB, or in accordance with the terms of the grant agreement, detailing how the funds were utilized. The due dates of the reports shall be specified in the grant agreement.~~
- j) ~~Authority to approve technology enhancement grant requests is delegated to the ICCB Executive Director. His/her decision shall be based upon submission of a complete application and release of funds by the Bureau of the Budget.~~
- k) ~~Projects shall be designed and constructed to meet all applicable facility codes as specified in Section 1501.603(f).~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.523 Foundation Matching Grants (Repealed)**

- a) ~~An eligible community college foundation, as referred to in this Section, is defined as a 501(c)(3) entity formed to benefit a community college district, students, and taxpayers of a community college district as provided for in the Public Community College Act and meets the criteria to receive an award as provided for in this Section. A foundation shall establish its eligibility by submitting a copy of its articles of incorporation (the first year of application only), a copy of its most recent signed federal 990 tax return, and a copy of the foundation's most recently completed external audit with the other components of an application.~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~Requests for foundation matching grant awards (referred to in this Section as challenge grants) must be submitted in a format prescribed by the ICCB no later than December 1 of each year.~~
- e) ~~Each community college foundation shall have the opportunity to apply for a \$25,000 challenge grant. The award amount shall be prorated to a reduced amount if sufficient funds are not available in the State's Academic Improvement Trust Fund to provide an initial grant of \$25,000 to those eligible foundations that submit an application no later than December 1.~~
- d) ~~In order to be eligible to receive a challenge grant, the community college foundation board must establish, as part of the application process, that the foundation board has:~~
- ~~1) established an academic improvement trust fund as a depository for private contributions and awarded challenge grants;~~
  - ~~2) \$3 of local match available (contributions received after July 1, 1999, for the purpose of matching the State challenge grants) for each \$2 of State funds; and~~
  - ~~3) raised a minimum of \$10,000 from private sources and the contributions must be in excess of the total average annual cash contributions made to the community college foundation in the three fiscal years before July 1, 1999 (fiscal years 1997, 1998, 1999).~~
- e) ~~Any unmatched excess funds remaining in the State's Academic Improvement Trust Fund, on April 1 of the fiscal year in which an appropriation is received, for community college foundations after the award of the initial \$25,000 challenge grants will be available for matching by any community college foundation. No community college foundation will receive more than \$100,000 in challenge grants in any one State fiscal year.~~
- f) ~~The community college foundation board is responsible for determining the use of the proceeds of the challenge grants and such uses may include:~~
- ~~1) scientific equipment;~~
  - ~~2) professional development and training for faculty; and~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~student scholarships and other activities appropriate to improving the quality of education at the community college. The community college foundation may not use the proceeds of the challenge grant for a capital campaign or program.~~
- g) ~~Each community college foundation receiving grant funds shall file a report with the ICCB in a format prescribed by the ICCB detailing how the funds were utilized within 60 days after the foundation's fiscal year end and submit a copy of the external audit of the fiscal year just ended as soon as it is completed.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: CAPITAL PROJECTS

**Section 1501.601 Definition of Terms**

~~"Alter" means to.~~ ~~To~~ remodel or modify a facility, without changing its original purpose or adding to its total dimensions, that would have been constructed differently had existing ~~handicapped~~-accessibility, energy conservation, or environmental protection laws, codes, or standards (as specified in Section 1501.603(g)(2)~~f2~~) been in effect at the time of construction.

~~Building Efficiency.~~ "Building efficiency" ~~means~~ is the ratio of the total net assignable square feet (NASF) of a building, which includes the interior of classrooms, class laboratories, offices, study areas, libraries, special or general use areas, and supporting areas for each of these space types, to the total gross square feet (GSF) of a building, which includes circulation areas, custodial areas, mechanical areas and ~~structural~~ ~~structural~~ areas plus the NASF as defined above.

~~"Capital Project Design Phase".~~ ~~The design phase~~ of a capital project ~~means~~ includes development of detailed architectural plans, specifications, and cost estimates.

~~"Capital Project Needs Assessment" means.~~ ~~Capital project needs assessment is~~ the initial conceptualization and justification of the scope of the project.

~~"Credits" means.~~ ~~"Credits" are~~ capital project local contribution allowances certified by ~~the~~ ICCB at its Board meeting on September 18, 1987.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Facility" means any. ~~Any~~ physical structure or entity that is necessary for the delivery of the district's programs and related services.

"Hazard" means. ~~A hazard is~~ a risk or peril resulting from unsanitary conditions, deficiencies in codes specified in Section 1501.603(g)(2)~~f2~~, conditions increasing the risk of fire, or conditions otherwise endangering human life to a degree greater than normal.

"Licensed Architect or Engineer" means an. ~~An~~ architect or engineer licensed by or registered with the Illinois Department of Financial and Professional Regulation.

"Locally Funded" means. ~~A "locally funded" project is~~ a capital project funded totally from local district bond issues, local district operating funds, federal grants, foundation or other grants, gifts, student fees, or any non-state appropriated~~appropriated~~ source.

"Maintenance Project" means a. ~~A maintenance~~ project that is one which keeps a facility or asset in efficient operating condition, preserves~~preseves~~ the condition of the property, or restores property to a sound state after prolonged use.

"Primary Site" means. ~~A primary site includes~~ any site constituting a campus as defined in Section 1501.301.

"Repair" means. ~~To~~ rehabilitate or return a facility to its original condition after damage or deterioration, without changing its original purpose or adding to its total dimensions, when the condition of the facility poses a hazard to individuals or threatens the structural integrity of the facility.

"Scope" means. ~~"Scope" is a term relating to~~ the parameters of the project, primarily the physical dimensions of the project and the function of space included within the project~~therein~~.

"Secondary Site" means. ~~A secondary site is~~ any location where the district maintains a permanent presence, but does not meet the criteria of a primary site.

"State-Funded" means. ~~A "state funded" project is~~ a capital project partially or fully funded with a State~~state~~ appropriation.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Structural Defect/Deficiency Project" ~~means. A "structural defect/deficiency" project is~~ a capital project ~~that~~which has a defect or deficiency directly attributable to inadequate design or construction, or defective construction materials.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.602 Approval of Capital Projects**

- a) ~~Requests~~Notwithstanding any provision to the contrary (see subsection (b) and Section 1501.604(b)), requests for approval of State-funded capital projects shall be submitted to ~~the~~ICCB on the forms prescribed by ~~the~~ICCB.
- b) ~~A project requiring the expenditure of state or local funds for purchase, construction, remodeling, or rehabilitation of physical facilities at a primary or secondary site shall have prior ICCB approval except the following:~~
- 1) ~~locally funded projects that meet the definition of a maintenance project as defined in Section 1501.601, or~~
  - 2) ~~locally funded projects that result in no change in room use, or~~
  - 3) ~~locally funded projects for which the total estimated cost is less than \$250,000.~~
- be) An updated District Site and Construction Master Plan shall be filed with ~~the~~ ICCB by July 1 of the year in which the district undergoes its recognition evaluation. The purpose of the plan is to apprise ~~the~~ICCB of possible primary site new construction and secondary site acquisition/construction plans for the next five years throughout the district. The plan should be updated, as needed, to ensure that any project submitted for approval has been reflected in the district plan on file with ~~the~~ICCB at least two months prior to submission of the project. Any primary site new construction or secondary site acquisition/construction projects must be reflected in the plan in order to receive consideration for approval. The plan, at a minimum, shall consist of a map of the district showing the location of all facilities owned by the district or leased for a period exceeding five years and a narrative describing the district's:

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Current permanent facilities where additions are planned.
  - 2) General plans for future site acquisition or acquisition/construction of permanent facilities either on the primary site or secondary sites. The location may be identified in terms of the general geographic area within the district.
  - 3) Proposed schedule for acquiring additional sites, constructing additions to existing facilities, or acquiring/constructing new permanent facilities.
  - 4) The intended use of all proposed site acquisitions and facility acquisition/construction.
- d) ~~The authority to approve locally funded projects is delegated to the President/CEO of the ICCB, who shall in turn report such actions to the ICCB.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.603 State-Funded Capital Projects**

- a) Projects Eligible to Receive State Funds. State funds may be requested for capital projects, both those to be purchased and those to be constructed, as defined in this subsection (a) herein. The funds shall be requested ~~before~~prior to construction and may include or consist of architectural and engineering fees associated with the project. ~~These~~Such projects shall consist of:
  - 1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:
    - A) Administration and student personnel services facilities~~;~~
    - B) Central utility facilities~~;~~
    - C) Classrooms~~;~~
    - D) Fine and applied arts classrooms and laboratories~~;~~
    - E) Libraries~~;~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- F) Occupational, technical, and semi-technical laboratories, shops, and classrooms;
  - G) Other structures used for the operation and maintenance of the campus;
  - H) Physical education instructional facilities;
  - I) Science laboratories and related science facilities; ~~and~~;
  - J) Student areas appropriate to the needs of a commuter institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.
- 2) Land.
  - 3) Movable Equipment.
  - 4) Utilities (those beyond a five foot perimeter of buildings).
  - 5) Remodeling or Rehabilitation of Existing Facilities. ~~These~~ ~~Such~~ projects include provision for:
    - A) Access for ~~handicapped~~ students with disabilities;
    - B) Emergency repairs (including construction defects/deficiencies);
    - C) Energy conservation; ~~and~~;
    - D) Programmatic changes.
  - 6) Site Improvements.
    - A) Clearance;
    - B) Drainage;
    - C) Earth movement;

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- D) Finish grading, seeding, landscaping;
  - E) Other work required to make land usable as a building site;
  - F) Parking; ~~and~~;
  - G) Streets and walkways.
- 7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.
- b) Application Criteria for New Construction Projects at the Primary Site. In order for capital projects for new construction to be considered for ~~State~~ funding, the following requirements shall be met:
- ~~1)~~ ~~The information required under Section 1501.510(a) shall have been submitted.~~
  - ~~12)~~ Certification of local board approval of the projects requested shall be provided.
  - ~~23)~~ Certification shall be provided that funds or credits are available to provide the local share of the cost of the projects in accordance with Articles IIIA and V of the Act.
  - ~~34)~~ Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:
    - A) The location of the site in relation to geography and population of the entire district and in relation to sites of the district's other colleges;
    - B) The impact on the surrounding environment, including the effect of increased traffic flow;

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) Accessibility to the site by existing and planned highways and/or streets~~;~~
  - D) Cost of development of the site in relation to topography, soil condition~~;~~ and utilities~~;~~
  - E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost~~;~~
  - F) The number, location~~;~~ and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered~~;~~ and~~.~~
  - G) The location of the site in relation to existing institutions of higher education.
- 45) Requests for site acquisition shall include a local board of trustees authorization to purchase the site, a copy of the feasibility study, a local board of trustees~~Board of Trustees~~ resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).
- 56) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in subsection (e)(14)(C)~~of this Section~~ or a specific program need basis as specified in subsection (e)(14)(D)~~of this Section~~.
- 67) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
- c) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:
- 1) An application on forms prescribed by ~~the~~ ICCB~~;~~
  - 2) Certification of local board approval of the projects requested~~;~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) Certification that funds or credits are available to provide the local share of the projects in accordance with Articles ~~III A-HA~~ and V of the Act;~~;~~
  - 4) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices, ~~etc.~~); ~~and~~.
  - 5) A justification statement regarding the need to remodel.
- d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
- 1) A resolution by the local board of trustees stating that:
    - A) Local funds or credits are available to provide the local share of the projects in accordance with Articles ~~III A-HA~~ and V of the Act; ~~and~~.
    - B) The programs offered have been approved by ~~the~~ ICCB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.
  - 2) Copies of at least two appraisals of the property.
  - 3) ~~Proof Verification~~ that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not ~~prevent~~ ~~preclude~~ the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)
  - 4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.
  - 5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- e) Project Priority Criteria. All projects must meet requirements as stated in Sections 110-ILCS 805/5-3 and 5-4 of the Act. Capital project priorities will be established within the categories named in subsection (a) of this Section according to the following criteria:
- 1) New Facilities: The acquisition of buildings/ additions/structures through construction of new facilities or purchase of existing facilities ~~includes.~~ ~~Includes~~ planning, qualifying fixed and moveable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. All requests for new facilities must meet the criteria specified in either subsection (b) ~~of this Section~~ for new construction at a primary site or subsection (d) ~~of this Section~~ for secondary site projects. ~~The~~ ~~Each of the~~ following criteria will be considered in establishing priorities for new facilities:
- A) Type of space to be constructed (in priority order):
- i) Instructional, study, office and student areas (all weighted equally):
- Instructional space, including basic classrooms, lecture halls, seminar rooms and other rooms used primarily for scheduled instruction, both credit and noncredit. These rooms may contain multimedia or telecommunications equipment. Space ~~used~~ ~~utilized~~ as classroom service, ~~that is i.e.~~, projection rooms, telecommunication control booths, closets, etc., are included (FICM Codes 110-115). Instructional space also includes laboratory facilities, both class and open, used for instructional purposes and service areas that serve as an extension of the activities of the laboratory (FICM Codes 210-255).
  - Study areas, including all library facilities, any rooms or areas used by individuals at their convenience, general learning labs, and any service areas necessary to support the activities of these rooms (FICM Codes 410-455).

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- Office facilities that provide work areas to support the academic, administrative, and service functions of the colleges. Also includes rooms such as student counseling rooms and testing areas, staff conference rooms, file rooms, and break rooms (FICM Codes 310-355).
  - Student service areas include general use facilities such as child care facilities (FICM Codes 640 and 645), food service facilities (FICM Codes 630 and 635), lounge facilities (FICM Codes 650 and 655), merchandise areas such as bookstores, student supply stores, or ticket outlet services (FICM Codes 660 and 665), and rooms ~~used~~utilized for recreation and amusement (FICM Codes 670 and 675). Meeting rooms used by the institution or the general public for a variety of nonclass meetings also are included (FICM Codes 680 and 685).
- ii) Support areas, including central administrative computer and telecommunications rooms, maintenance shops, garages, warehouses, and storage facilities (FICM Codes 710-765).
- iii) Assembly areas, including theaters, auditoriums, arenas, exhibition rooms, and concert halls, used primarily for general presentations or performances. Includes areas that serve as an extension of the activities in that facility. (FICM Codes 610-625)
- iv) Physical education areas used for physical education instructional programs and intercollegiate and recreational activities. Includes areas such as ~~gymnasiums~~gymnasia, athletic courts, swimming pools, and other special use athletic facilities. (FICM Codes 520, 523, and 525). (Does not include specific classrooms more appropriately classified under FICM Code series 100.)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- v) Special use facilities not included elsewhere, such as armory, armory services, media production services, clinics, etc. (FICM Codes 510, 515, and 530-590).
- B) Core Campus Considerations. Priorities will be assigned to colleges that do not have adequate core campus components in place. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services, and facilities to support high enrollment programmatic areas.
- C) Space Criteria/Considerations.
- i) Utilization of Existing Space. Priorities will be assigned so that the higher utilization rate generated by weekly instructional hours for credit and noncredit courses offered at permanent locations owned by the college (college holds title, lease purchase, or purchasing contract for deed), the higher the priority that will be assigned. Instructional hours are defined as those enrollments generated by students taking credit and noncredit courses.
  - ii) Space per Student. Requests for space will be assigned priorities so that the less existing permanent space per student available at facilities owned by the college (college holds title, lease purchase, or contract for deed), the higher the priority assigned to the project.
- D) Program Considerations. Consideration will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:
- i) Documented need as evidenced by the college's accountability and productivity reviews;
  - ii) Labor market demand for completers of the program (as

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- indicated by current manpower data);
- iii) Unavailability of special facilities needed for the program; ~~and~~
  - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- 2) Remodeling or Rehabilitation of Existing Facilities. Remodeling or rehabilitation projects will be evaluated on structural considerations and/or programmatic considerations and core campus considerations, if applicable to project. Requests for remodeling or rehabilitation projects must meet the criteria specified in subsection (c) ~~of this Section~~. The following criteria will establish the order of remodeling/rehabilitation projects:
- A) Structural Considerations (in priority order).
    - i) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, ~~accessibilityhandicapped~~ modifications);
    - ii) Overall condition of space and/or other structural integrity considerations;
    - iii) Those projects that will result in financial and/or natural resource savings (e.g., energy conservation); ~~and~~
    - iv) Those projects that will result in the development of more efficient utilization of existing space.
  - B) Program Considerations. Consideration will be given to the need for remodeling or rehabilitation of facilities based on the programs to be housed in the facilities. Priorities will be assigned so that the greater the need for remodeling or rehabilitation, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- i) Documented need as evidenced by the college's accountability and productivity reviews;~~;~~
  - ii) Labor market demand for completers of the program (as indicated by current manpower data);~~;~~
  - iii) Unavailability of special facilities needed for the program;  
~~and;~~
  - iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.
- C) Core Campus Considerations. Priorities will be assigned to colleges that demonstrate the need for remodeling or rehabilitation of existing core campus components due to either structural integrity issues or increased demand for services. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.
- 3) Land. Requests for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b)~~-of this Section~~ for land purchases at the primary site or subsection (d)~~-of this Section~~ for secondary site projects.
  - 4) Utilities. Utilities projects (beyond a five foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.
  - 5) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which they relate and other demonstrated need.
  - 6) Additional consideration may be given to the priority ranking of a project if it had previous ICCB approval for planning or construction.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- f) Changes in budget and/or scope to approved construction projects shall be submitted for approval according to the following criteria:
- 1) Changes in budget/scope totaling five percent or less of the approved project budget/scope shall be reconciled at the completion of the project and submitted to ICCB for information purposes.
  - 2) When changes in the project budget/scope have reached five percent, any subsequent change modifying the budget/scope of the project shall require approval by the ICCB Executive Director, prior to expenditure of funds on the additional work. The criteria the ICCB Executive Director will use for approving changes in the project budget/scope will be the same as are listed in this Section.
- gf) Construction Standards. The standards listed in this subsection shall be applied in the design and construction of facilities.
- 1) Building Efficiency. ~~Campuswide~~~~Campus-wide~~ building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.
  - 2) Facilities Codes. All construction, remodeling, and rehabilitation of facilities shall be in compliance with the following standards:
    - A) All incorporations by reference refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified:
      - i) International Building Code, 2015 or more current~~2003~~ Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).
      - ii) International Mechanical Code, 2015 or more current~~2003~~ Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- iii) National Electrical Code, NFPA 70, [2014 or more current](#) ~~2002~~ Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).
  - iv) National Fire Protection Association 101, Life Safety Code, 2003 Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).
  - v) ~~ASHRAE Standard 90.1-2001, Energy Standard for Buildings Except Low-Rise Residential Buildings, 2001 Edition (American Society of Heating, Refrigeration, Air Conditioning Engineers, 1791 Tullie Circle, Atlanta, Georgia 30329).~~
- B) Illinois administrative rules that are referenced in this Part are:
- i) Illinois Plumbing Code (77 Ill. Adm. Code 890).
  - ii) Illinois Accessibility Code (71 Ill. Adm. Code 400) [or the 2010 Americans with Disabilities Standards for Accessible Design, whichever is more stringent.](#)
  - iii) Fire Prevention and Safety (41 Ill. Adm. Code 100).
  - iv) [Illinois Energy Conservation Code \(74 Ill. Adm. Code 600\).](#)
- C) Any local building codes that may be more restrictive than the codes listed [in this subsection \(g\)\(2\)](#) ~~above~~.
- 3) State of Illinois Building Related Requirements. To assist the architect in determining which ~~statutes and rules~~ ~~codes~~ might be applicable to a project, the Capital Development Board (CDB) ~~Division of Building Codes and Regulations~~ has assembled a Directory of Illinois [Construction-Related Statutes and Rules](#) ~~Building-Related Requirements~~ that lists ~~all the~~ statutory requirements relative to State construction. [CDB also maintains a List of Codes Used Throughout the State of Illinois by City or County.](#) [Both resources are available on CDB's website \(<http://www.illinois.gov/>](#)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~cdb/business/codes/Pages/BuildingCodesRegulations.aspx). It also includes a table of primary codes/standards/specifications for State of Illinois building requirements. This directory is available on the CDB website (www.ibr.state.il.us) or by calling (217)557-7500.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.604 Locally Funded Capital Projects**

~~a) All locally funded capital projects shall meet the same codes or standards listed in Section 1501.603(gf)(2).~~

- ~~b) Requests for ICCB approval of locally funded capital projects shall be submitted using forms prescribed by the ICCB. All locally funded capital projects shall receive prior ICCB approval except those meeting any one of the following criteria:~~
- ~~1) A project which meets the definition of a maintenance project as specified in Section 1501.601.~~
  - ~~2) A project which does not create a change in room use.~~
  - ~~3) A project which is less than \$250,000 regardless of the work being performed.~~
- ~~e) Requests for ICCB approval of locally funded capital projects shall be submitted to the ICCB according to the following criteria:~~
- ~~1) All capital projects other than those excluded in Section 1501.604(b) require ICCB approval during the design phase of the project.~~
  - ~~2) Capital projects estimated to cost in excess of \$2.5 million shall be reported to the ICCB following a project needs assessment.~~
  - ~~3) The final budget and scope of the project shall be reported to the ICCB after bids are received but before contracts are awarded. If the budget or scope exceeds that approved by the ICCB, the project shall be resubmitted for approval.~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- d) ~~Application Criteria for New Construction Projects at the Primary Site. Applications for new construction projects submitted to the ICCB and shall have attached to them the following:~~
- 1) ~~A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.~~
  - 2) ~~A statement identifying the source of local funds for the project.~~
  - 3) ~~For primary sites, certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study. The feasibility study shall address, at a minimum, the following:~~
    - A) ~~The location of the site in relation to geography and population of the entire district and its relation to sites of the district's other colleges, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.~~
    - B) ~~The impact on the surrounding environment, including the effect of increased traffic flow.~~
    - C) ~~Accessibility to the site by existing and planned highways and/or streets.~~
    - D) ~~Cost of development of the site in relation to topography, soil condition, and utilities.~~
    - E) ~~Size of the proposed site in relation to projected student population (as determined by census data) and land cost.~~
    - F) ~~The number, location, and characteristics (types of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.~~
  - 4) ~~Requests for primary site acquisition shall include three appraisals of the property.~~
  - 5) ~~Evidence of need for the space requested shall be provided either on a~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~general enrollment basis as specified in Section 1501.603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D).~~

- ~~6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.~~
- e) ~~Application Criteria for Projects Funded in Accordance with Section 3-37 of the Act. In addition to the above, applications for projects proposed for funding in accordance with Section 3-37 of the Act must include:~~
  - 1) ~~A copy of the proposed lease agreement showing that income is sufficient to pay the costs of constructing or acquiring and operating and maintaining the facility for the life of the installment loan arrangement entered into by the college.~~
  - 2) ~~A copy of the loan arrangement entered into by the college showing the installment costs to be incurred by the college.~~
  - 3) ~~Any other agreement between the college and another group which commits funds toward the project by that group.~~
- f) ~~Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:~~
  - 1) ~~A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.~~
  - 2) ~~A statement identifying the source of local funds for the project.~~
  - 3) ~~A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).~~
  - 4) ~~A justification statement regarding the need to remodel.~~
- g) ~~Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~A resolution by the local board of trustees stating that:
  - A) Funds are available to procure the site.
  - B) The programs offered have been approved by the ICCB and IBHE or approval of these stated programs by those boards is pending.~~
- 2) ~~Copies of at least two appraisals of the property.~~
- 3) ~~Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)~~
- 4) ~~Identification of the location of the site and its relationship to the main campus, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.~~
- 5) ~~Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.~~
- h) ~~Construction projects for use by the college which are financed in whole or in part by college foundations are to be submitted for ICCB approval as locally funded projects.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.605 Project Changes (Repealed)**

~~Changes in budget and/or scope to approved construction projects shall be submitted for approval according to the following criteria:~~

- a) ~~Changes in budget/scope totaling five percent or less of the approved project budget/scope shall be reconciled at the completion of the project and submitted to the ICCB for information purposes.~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~When changes in the project budget/scope have reached five percent, any subsequent change modifying the budget/scope of the project shall require approval by the ICCB Executive Director, prior to expenditure of funds on the additional work. The criteria which the ICCB Executive Director will use for approving changes in the project budget/scope will be the same as are listed in Sections 1501.603 and 1501.604 above.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.607 Reporting Requirements**

~~Each~~ college shall submit the items listed ~~below~~ in this Section in a format prescribed by ~~the~~ ICCB and according to the schedules indicated:

- a) Progress reports (as of December 31) of all construction projects by January 31 of each year.
- b) Course resource data (S6 and S7) showing the facilities used by ~~each~~ course offered for credit during the fall term within 30 days after the end of the term. Facility identifiers, building identifiers, and room identifiers reported in the course resource data should match identifiers that will be reported in the F3, F6, B3, and R3 records at the end of the current fiscal year.
- c) An inventory of its facilities and an update of this inventory annually by September 1 immediately following the end of the fiscal year. ~~This~~ Such facilities data (F3, F6, B3, and R3 records) shall be submitted in the format designated by ~~the~~ ICCB and shall represent existing facilities in service at June 30 of the fiscal year just ended.
- d) Course resource data (N6) for a non-credit offering (N1) showing the facilities used for each non-credit course offered during the fall term by August 15 following the end of the current fiscal year. Facility identifiers, building identifiers, and room identifiers reported in the N6 records should match identifiers that will be reported in the F3, F6, B3 and R3 records at the end of the current fiscal year.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.608 Approval of Projects from 110 ILCS 805/~~in Section 3-20.3.01 of the Act~~**

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Projects proposed for construction under ~~the provisions of~~ Section 3-20.3.01 of the Act shall meet the criteria listed in this Section below.

- a) ~~A~~Each proposed project shall meet the definition of "alter" or "repair" in Section 1501.601.
- b) ~~A~~Each proposed project shall meet the definition of "facility" in Section 1501.601 and be owned by the district or leased where the district has assumed the obligation to make alterations or repairs.
- c) ~~A~~Each proposed project shall not be considered a maintenance project.
- d) Projects to repair facilities shall be to correct for the purpose of correcting a hazard.
- e) ~~A~~Each proposed project shall have an estimate be one which is estimated by a licensed architect or engineer ~~to cost \$25,000 or more,~~ and, if financed through bonds in accordance with ~~Article~~Section IIIA of the Act, shall be estimated ~~by a licensed or registered architect or engineer~~ to cost no more than \$~~4~~1,500,000, unless otherwise stated in statute. A project may have several component parts if these components clearly relate to the same objective.
- ~~f) Each proposed project shall have prior approval of the ICCB or its Executive Director.~~
- ~~f~~g) ~~A~~Each proposed energy conservation project shall provide an estimated "pay back" of eight years or less as certified by a licensed architect or engineer.
- ~~g~~h) ~~A~~Each project shall meet the codes specified in Section 1501.603(~~g~~f)(2).
- h) If project costs are financed through bonds as referenced in subsection (e), all bonds for those purposes may not exceed \$4,500,000 in the aggregate at any one time unless otherwise stated in statute.
- i) ~~An application for each proposed project shall be submitted to the ICCB for approval on forms prescribed by the ICCB and shall include all of the following:~~
  - 1) ~~A certified copy of a lawful order of any federal, state, county, or municipal agency having authority in statute or ordinance to regulate the~~

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~protection, health, or safety of individuals as such relate to community college facilities; a licensed architect or engineer's certification that the present condition of the facility poses a threat to the structural integrity of the facility; or a copy of the resolution indicating that the local board of trustees has determined that the proposed project is necessary for energy conservation, health or safety, environmental protection, or handicapped accessibility purposes.~~

- 2) ~~A copy of a statement that, in the judgment of the local board of trustees, there are not sufficient funds available in the Operations and Maintenance Fund of the district to fund the project.~~
- 3) ~~A certified copy of a licensed architect or engineer's estimated budget of the cost and scope of the project.~~
- 4) ~~A copy of the local board of trustees' action authorizing the project.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.609 Completion of Projects from 110 ILCS 805/Under Section 3-20.3.01 of the Act**

When completed, ~~each~~ project shall be certified by a licensed ~~or registered~~ architect or engineer as having been constructed within the budget and having met applicable plans, codes, and specifications.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1501.610 Demolition of Facilities**

A district may demolish a facility owned by the district. ~~The ICCB shall be notified upon demolition of the facility.~~

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
336.10	Repealed
336.20	Repealed
336.30	Repealed
336.40	Repealed
336.50	Repealed
336.55	Repealed
336.60	Repealed
336.70	Repealed
336.80	Repealed
- 4) Statutory Authority: Formerly implementing and authorized by Section 30(c) of the Nuclear Safety Law of 2004 [20 ILCS 3310/30(c)].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Emergency Management Agency (IEMA) is proposing this repealer as IEMA no longer provides analytical testing of community drinking water supply samples. The statutory authority to provide this service was repealed on July 20, 2015 in PA 99-83.
- 6) Published studies or reports and sources of underlying data, used to compose this repealer: None
- 7) Will this repealer replace an emergency rule currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed repealer is 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may also 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: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

## TITLE 32: ENERGY

## CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 336

FEES FOR ANALYTICAL TESTING OF COMMUNITY  
DRINKING WATER SUPPLY SAMPLES FOR RADIONUCLIDES (REPEALED)

## Section

336.10	Purpose and Scope
336.20	Incorporation by Reference
336.30	Definitions
336.40	Procedures for Requesting Testing Services and Payment of Fee
336.50	Community Water Supply Testing Categories
336.55	Changes to Community Water Supply Testing Categories
336.60	New Sampling Points for Existing Community Water Supplies
336.70	Testing Fees
336.80	Conditions

**AUTHORITY:** Implementing and authorized by Section 2005-40 of the Civil Administrative Code of Illinois [20 ILCS 2005/2005-40].

**SOURCE:** Adopted by emergency rule at 25 Ill. Reg. 10233, effective August 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 14877, effective October 30, 2001; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. 6436, effective April 14, 2004; amended at 32 Ill. Reg. 2585, effective February 4, 2008; repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 336.10 Purpose and Scope**

- a) Under the provisions of 20 ILCS 2005/2005-40, the Illinois Emergency Management Agency (Agency) is authorized to analyze community drinking water samples for radionuclides and is authorized to assess a reasonable fee for such services. The Agency's laboratory is certified by the U.S. Environmental Protection Agency (USEPA) to conduct such analyses for compliance with the Safe Drinking Water Act (42 USC 300f, et seq.). This Part sets forth the procedure for requesting analytical services and the fees that the Agency charges for providing analytical services.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- b) Participation in the Agency's testing program is open to Illinois community water supplies for those samples required for compliance with Illinois Pollution Control Board drinking water regulations (35 Ill. Adm. Code Subtitle F). The fee schedule found in Section 336.70 of this Part is effective January 1, 2008.

**Section 336.20 Incorporations by Reference**

All rules, standards and guidelines of agencies of the State of Illinois, United States, or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois.

**Section 336.30 Definitions**

- a) *"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]*
- b) "New community water supply" means a community water supply that begins operation on or after January 1, 2008.
- c) "New sampling point" means a sampling point that was not in existence or in use at the time a community water supply committed to participate in the Agency's testing program.
- d) "Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act [415 ILCS 45].
- e) "Sampling point" refers to either a point in the distribution system or a finished water entry point where drinking water samples are collected.

**Section 336.40 Procedures for Requesting Testing Services and Payment of Fee**

- a) The Agency shall send to all participating community water supplies a notice indicating the testing category to which their sampling points have been assigned by Illinois Environmental Protection Agency (IEPA) and the fee that would apply beginning January 1, 2008.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- b) New community water supplies that commit to participate in the Agency's testing program will automatically be assigned to Category RDS and shall pay the fee specified in Section 336.70 of this Part.
- c) A community water supply that chooses to participate in the Agency's testing program must commit in writing to participate in the program for the next sampling quarter.
- d) A community water supply that commits to participate must sign the prescribed commitment form provided and return it to the Agency at least 30 days prior to the date that a test needs to be conducted.
- e) A community water supply that commits to participate in the Agency's testing program and returns the signed form to the Agency shall be billed the appropriate fee by the Agency. The Agency reserves the right to not perform any tests on samples submitted until the fee is paid.
- f) All fees are to be paid on a quarterly basis.

**Section 336.50 Community Water Supply Testing Categories**

For the purposes of this Part, the following testing categories shall initially be assigned to community water supplies based on drinking water testing results on file at IEPA as of November 16, 2007.

Category	Service
4109	Gross alpha analysis
4006	Total uranium analysis
4010	Radium-226 and radium-228 analysis
RDS	Gross alpha, radium-226 and radium-228 analysis
RDU	Gross alpha, radium-226, radium-228 and total uranium analysis

AGENCY NOTE: If gross alpha result is greater than 15 pCi/L, IEPA requires an additional total uranium analysis (4006).

**Section 336.55 Changes to Community Water Supply Testing Categories**

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- a) IEPA will monitor the performance of each community water system on a quarterly basis. IEPA may direct changes in the tests to be required on the basis of past performance, and notify the community water supply and IEMA. IEMA will bill the correct fee for the new category during the next quarter.
- b) Community water systems that want to change from composite to quarterly radium analysis and/or total uranium analysis should notify IEPA. Upon approval by IEPA, the category will be changed for the next quarter and the appropriate new fee will be billed.

**Section 336.60 New Sampling Points for Existing Community Water Supplies**

A community water supply that adds one or more new sampling points after committing to participate in the Agency's testing program will need the services described in Section 336.50 and shall pay the required fee for the new sampling points as described in Section 336.70 of this Part. The required fee must be paid before the Agency will test samples for a new sampling point.

**Section 336.70 Testing Fees**

- a) Community water supplies that choose to participate in the Agency's testing program shall pay a single fee per sampling point to cover testing costs.
- b) Fees shall be assessed as follows:

Category	Quarterly Fee per Sampling Point
4109	\$65
4006	\$110
4010	\$345
RDS	\$400
RDU	\$500

- c) The Agency will provide all required sample containers and analyze all samples required for compliance with federal radiological drinking water testing requirements over the fee period.

**Section 336.80 Conditions**

Water samples must be collected by employees or agents of a community water supply under the

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

direction of a properly certified operator. Samples submitted shall be in the Agency's supplied container. Samples not submitted in accordance with the Agency's supplied instructions will not be tested, and resampling will be required. Upon completion of analytical work, the Agency will send the results directly to the IEPA, thereby fulfilling the reporting requirement of a participating community water supply. The Agency will also send a copy of the results to the community water supply.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Certification and Operation of Radiochemistry Laboratories
- 2) Code Citation: 32 Ill. Adm. Code 406
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
406.10	Repealed
406.20	Repealed
406.25	Repealed
406.30	Repealed
406.40	Repealed
406.50	Repealed
406.60	Repealed
406.70	Repealed
406.80	Repealed
406.90	Repealed
406.100	Repealed
406.110	Repealed
406.120	Repealed
406.130	Repealed
406.140	Repealed
406.200	Repealed
406.210	Repealed
406.220	Repealed
406.230	Repealed
406.240	Repealed
406.250	Repealed
406.260	Repealed
406.270	Repealed
406.280	Repealed
- 4) Statutory Authority: Formerly implementing the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 2005-40 of the Department of Nuclear Safety Law of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/2005-40].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Emergency Management Agency (IEMA) is proposing to repeal this regulation as IEMA no longer maintains a laboratory certified to test drinking water samples. In addition, IEMA no

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

longer has personnel qualified to certify or audit other laboratories to perform this type of analyses.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace an emergency rule currently in effect? No
- 8) Does this repealer contain an automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed repealer is 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 also 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: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

## TITLE 32: ENERGY

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

## PART 406

CERTIFICATION AND OPERATION OF  
RADIOCHEMISTRY LABORATORIES (REPEALED)

## SUBPART A: GENERAL PROVISIONS

## Section

406.10	Scope and Applicability
406.20	Definitions
406.25	Incorporations by Reference
406.30	Certification Procedures
406.40	Conditions Governing the Use of Certificates
406.50	Provisional Certification
406.60	Preliminary Certification
406.70	Changes in Ownership or Operations
406.80	Revocation of Certification
406.90	Subcontracting by Certified Laboratories
406.100	Performance Evaluation Samples
406.110	Authority of Certification Officers
406.120	Hearing, Decision and Appeal
406.130	Liability
406.140	Reciprocity Agreements

SUBPART B: RADIOCHEMISTRY ANALYSES OF PUBLIC WATER  
SUPPLY SAMPLES

## Section

406.200	Personnel Requirements
406.210	Laboratory Facilities
406.220	Laboratory Equipment and Instrumentation
406.230	General Laboratory Practices
406.240	Analytical Methodology
406.250	Sample Collection, Handling and Preservation
406.260	Quality Assurance
406.270	Record Maintenance

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

## 406.280 Action Response to Laboratory Results

**AUTHORITY:** Implementing the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 2005-40 of the Department of Nuclear Safety Law of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/2005-40].

**SOURCE:** Adopted at 22 Ill. Reg. 5001, effective March 2, 1998; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 406.10 Scope and Applicability**

This Part establishes the standards applicable to radiochemistry laboratories involved in radiochemical analyses of samples of water from public water supplies and their sources.

**Section 406.20 Definitions**

For purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

"Analyst" means any person who performs analyses for parameters on samples submitted to the radiochemistry laboratory and who meets the qualifications set forth in Section 406.200 of this Part.

"Analyst Assistant" means a person who performs certain analyses on samples submitted to the radiochemistry laboratory and who meets the qualifications set forth in Section 406.200 of this Part.

"Certification" means a status of approval granted to a radiochemistry laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 406.140 of this Part. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Department to inspect and evaluate radiochemistry laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

experience qualifications for laboratory directors as set forth in Section 406.200 of this Part.

"Deficiency" means a failure of a radiochemistry laboratory to meet any applicable requirement of this Part.

"Department" means the Department of Nuclear Safety.

"Director" means the Director of the Department of Nuclear Safety.

"Laboratory Director" means the person who is responsible for the operation of a radiochemistry laboratory and who meets the qualifications set forth in Section 406.200 of this Part.

"Major Remodeling" means any remodeling of the laboratory facility which requires the acquisition of a local building permit.

"Parameter" means a chemical element, chemical compound or radionuclide.

"Performance Evaluation Sample (PES)" means a sample used to determine accuracy, prepared either by the certifying agency or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.

"Provisional Certification" means a certification status granted to a radiochemistry laboratory in order to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Department to revoke certification as specified in Section 406.80 of this Part. While on provisional certification, a radiochemistry laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections, or which regularly serve at least 25 persons at least 60 days per year.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

"Radiochemistry Laboratory" means any facility that performs radiochemical analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air or land.

**Section 406.25 Incorporations by Reference**

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: In this Part, the Department has specifically incorporated by reference the methods listed in the table in Section 141.25(a), "Analytical Methods for Radioactivity", 40 CFR 141, National Primary Drinking Water Regulations effective as of March 5, 1997. This table was originally published at 62 FR 10173 - 10174 (March 5, 1997). The Department further incorporates the latest publication of the "Determination of Radium-228 in Drinking Water", August 1990, in lieu of the reference publication date shown in footnote 10 on page 10174. Additionally, in footnote 12 on page 10174, the correct scientific number should read pCi/μg.

**Section 406.30 Certification Procedures**

- a) A radiochemistry laboratory that meets or exceeds the minimum criteria for certification may receive certification from the Department for any radiological parameter for which a methodology has been specified in this Part, or for which an alternative methodology has been approved in accordance with the provisions of this Part.
- b) The operational aspects of a radiochemistry laboratory that will be evaluated in considering a request for certification are:
  - 1) laboratory facilities;
  - 2) personnel;
  - 3) methodology and instrumentation;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 4) data handling; and
  - 5) quality assurance program.
- c) In seeking certification, the petitioning radiochemistry laboratory shall:
- 1) Submit a formal request for certification to the Department;
  - 2) File with the Department, on the applicable administrative questionnaires furnished by the Department, if available, or otherwise in a form approved by the Department, complete information on the five categories listed in subsection (b) of this Section;
  - 3) Analyze all performance evaluation samples required in accordance with Section 406.100 and Section 406.260(c) and (d) of this Part and report the results of such analyses to the Department; and
  - 4) Permit and cooperate in an on-site visit by Department authorized certification officers. Certification officers shall provide the radiochemistry laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Department reserves the right to make subsequent visits without prior notice during regular working hours.
- d) Approval or denial of certification may be made only after the procedure described in subsection (c) of this Section has been completed. Denial of certification shall be in the form of a narrative, giving information as to how deficiencies may be corrected, along with a completed survey form on which all deficiencies are clearly identified.
- e) Radiochemistry laboratories in jurisdictions not having reciprocal agreements with the Department under Section 406.140 of this Part may receive certification from the Department under this Part and shall pay all of the expenses to be incurred by the Department, including travel expenses, prior to evaluation.

**Section 406.40 Conditions Governing the Use of Certificates**

- a) Certification of radiochemistry laboratories under this Part shall be effective for a 3-year period from the date of issue, unless modified or revoked by the

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

Department. Application for timely renewal of certification shall be made to the Department no later than 90 days prior to the applicable expiration date.

Approval of a renewal application shall be contingent upon the radiochemistry laboratory meeting all of the factors considered in granting the original certification, including acceptable results on performance evaluation samples required under this Part. When a certified radiochemistry laboratory has made timely and sufficient application for renewal of certification or certification for additional parameters, the existing certification shall, unless otherwise modified or revoked in accordance with this Part, continue in full force and effect until the final decision of the Department on the application has been made.

- b) Certification shall be limited to those parameters for which a radiochemistry laboratory has been approved and which are listed on the certificate of approval.
- c) The certificate of approval shall be posted or displayed in a prominent place in the laboratory facility.
- d) Information related to the certification of a radiochemistry laboratory shall be accurately represented if used in any advertising and shall prominently include the statement that "Certification by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated." Such information shall also specify the parameters for which the radiochemistry laboratory has been certified. The advertising shall not include any representation that the radiochemistry laboratory is certified to perform a type of analysis for which it lacks proper certification.
- e) A radiochemistry laboratory may surrender its certification voluntarily by notifying the Department in writing and returning the certificate.

**Section 406.50 Provisional Certification**

- a) Whenever a deficiency is found, a certified radiochemistry laboratory may be placed on provisional certification. Provisional certification may be imposed for the following periods:
  - 1) From 7 to 30 days if the deficiency could compromise the quality of analytical data generated by the radiochemistry laboratory; or
  - 2) From 90 days to one year for any other type of deficiency.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- b) A provisionally certified laboratory may continue to analyze samples for compliance purposes, but shall notify its clients of its provisionally certified status by providing that information in writing, as soon as practicable, but in no event later than 3 working days after the imposition of provisionally certified status and shall also include such information on any report of any analysis performed during the period of provisional certification.

**Section 406.60 Preliminary Certification**

The Department may grant written preliminary certification to a radiochemistry laboratory that has demonstrated compliance with the applicable provisions of this Part after completion of the procedures specified in Section 406.30(c)(1) through (c)(3) of this Part. Preliminary certification would be available in instances where it would be impractical for the Department to schedule an on-site visit within 6 months from the date of a laboratory's submission of satisfactory analysis results for performance evaluation samples. Unless modified or revoked in accordance with this Part, preliminary certification shall remain in effect until certification has been approved or denied in accordance with Section 406.30 of this Part.

**Section 406.70 Changes in Ownership or Operations**

- a) Certification shall not be transferable. In the event of a change of ownership, director or principal supervisor of analysts, or relocation or major remodeling of the physical plant of a radiochemistry laboratory, the Department shall be notified in writing within 15 days and shall be provided with the resume of any new owner, director and supervisor and a description of any relocation or remodeling of the physical plant.
- b) After receiving notification of any of the changes listed in subsection (a) of this Section, the Department may review the resume of any new owner, director or principal supervisor of analysts, or make an on-site visit. However, the Department may waive any of these actions if it finds such actions to be unwarranted in a specific case. Examples of when such waivers would be appropriate include the following circumstances:
  - 1) Waiver of submittal of a summary of education and experience when personnel transferring from one certified laboratory to another are responsible for dealing with the same analytical methods and equivalent equipment; and

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 2) Waiver of an on-site visit if the pertinent test procedures involve simple techniques and equipment.

**Section 406.80 Revocation of Certification**

- a) The Department may revoke all or any part of a radiochemistry laboratory's certification. Any of the following shall be cause for partial or total revocation of certification:
  - 1) Expiration of a period of provisional certification, provided the laboratory has not corrected the deficiencies after being placed on provisional certification in accordance with the provisions of Section 406.50 of this Part;
  - 2) Unsatisfactory analyses of performance evaluation samples as specified in Section 406.100 of this Part;
  - 3) Failure to notify the Department within 15 days after any of the changes listed in Section 406.70 of this Part have occurred;
  - 4) Failure to comply with the requirements regarding advertising as specified in Section 406.40(d) of this Part;
  - 5) Failure to use the analytical methodology specified in this Part or approved in accordance with this Part;
  - 6) Failure to provide notice in accordance with Section 406.50 of this Part or its status as a provisionally certified radiochemistry laboratory; or
  - 7) Falsification of results of testing of performance evaluation samples or any other information material to the certification.
- b) The following factors shall be taken into account by the Department in determining what action shall be taken against a certified or provisionally certified radiochemistry laboratory for failing to comply with the requirements of this Section:
  - 1) The length of time during which the deficiency has existed;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 2) The laboratory's prior record of deficiencies and response in correcting deficiencies noted by the Department;
- 3) Whether the laboratory knowingly caused or allowed the deficiency; and
- 4) The potential effect of the deficiency on the quality of analytical data generated by the laboratory.

**Section 406.90 Subcontracting by Certified Laboratories**

- a) The name of the laboratory actually performing the analysis shall be specified on all reports of analytical results.
- b) For those tests that are required to be performed under certification, any laboratory with which a certified radiochemistry laboratory subcontracts shall also be a certified radiochemistry laboratory.

**Section 406.100 Performance Evaluation Samples**

A radiochemistry laboratory is required to participate in performance evaluation sample analyses for each analytical parameter or method for which it seeks or wishes to maintain certification in accordance with the certification procedures of Section 406.30 and Section 406.260(c) and (d) of this Part and the certification renewal procedures of Section 406.40 of this Part. Within 90 days after receipt of a performance evaluation sample, the radiochemistry laboratory shall analyze such sample and report the test results to the Department. There shall be no fee charged to the Department for such analyses. Failure to provide results proving satisfactory precision and accuracy in two successive samples shall be cause for revocation of certification for the parameter or method not within satisfactory limits.

**Section 406.110 Authority of Certification Officers**

Certification officers shall have all of the following authority with regard to radiochemistry laboratories:

- a) To inspect such laboratories in on-site visits;
- b) To require the laboratory to provide information regarding the technical operation of such laboratory relevant to certification;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- c) To inspect quality assurance records and any other pertinent records;
- d) To observe and question analysts at work on parameters or methods for which certification is sought; and
- e) To grant or deny certification based upon the completion of the evaluation process.

**Section 406.120 Hearing, Decision and Appeal**

The following procedures are established for those Department certification actions that law requires to be preceded by notice and opportunity for hearing:

- a) Prior to revocation or partial revocation, the Department shall give written notice to the laboratory director or owner. This notice shall include a description of the proposed action, the facts or conduct upon which the Department will rely to support its proposed action and the procedures for requesting a hearing.
- b) Notice given under subsection (a) of this Section and any hearing requested following issuance of such notice shall be in accordance with 32 Ill. Adm. Code 200.
- c) If, however, the Department finds that an emergency situation warrants immediate action, summary suspension as provided for by Section 10-65(d) the Illinois Administrative Procedure Act [5 ILCS 100/10-65(d)] may be ordered pending revocation proceedings. An emergency situation warrants immediate action if there is substantial risk to public health, safety or welfare resulting from laboratory deficiencies that are compromising or are likely to compromise the analytical results obtained.
- d) A final decision of the Director is appealable to the Circuit Courts under the Illinois Administrative Review Act [735 ILCS 5/Art. III].

**Section 406.130 Liability**

Representatives of the Department shall not waive the right to seek recovery for injuries incurred while inspecting a radiochemistry laboratory facility.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

**Section 406.140 Reciprocity Agreements**

Notwithstanding any other provision in this Part, the Director may elect to enter into agreements with the governments of other states or with federal governmental units for recognition of their radiochemistry laboratory inspections and certifications if such certification program uses equivalent controls over sample collection, data handling, quality control, analytical methods and personnel as required of radiochemistry laboratories within Illinois.

## SUBPART B: RADIOCHEMISTRY ANALYSES OF PUBLIC WATER SUPPLY SAMPLES

**Section 406.200 Personnel Requirements**

- a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both, and shall have had a minimum of 5 years experience in an environmental laboratory.
- b) An analyst is a full-time employee holding a minimum of a bachelor's degree in chemistry, radiochemistry, radioisotope technology or related natural science fields and having had at least 2 years of experience in radiation and radiochemical procedures.
- c) An analyst assistant is a person holding a high school diploma or its equivalent and having had a minimum of 6 months of training or experience or both in routine radiochemistry. Analyst assistants can perform the measurement of gross alpha and gross beta radioactivity. Analyst assistants may assist in routine sample preparation and radioanalytical procedures provided that such work is supervised and validated by an analyst or principal supervisor.
- d) An analyst trainee is a person holding a high school diploma or its equivalent. During the period of training, an analyst trainee shall work under the direct supervision of a principal supervisor, an analyst or an analyst assistant, but shall not exercise independent judgement.

**Section 406.210 Laboratory Facilities**

The laboratory facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- b) A minimum of 15 linear feet of usable bench space shall be provided for each analyst.
- c) In areas where radioactive standards are prepared, bench tops shall be of an impervious material which may be covered with disposable absorbent paper, or impervious trays lined with absorbent paper shall be available.
- d) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.
- e) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.
- f) All electrical outlets shall be properly grounded.
- g) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.
- h) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.
- i) A natural gas, LP gas, or propane gas supply shall be available.
- j) The laboratory shall include a vacuum source.
- k) A source of distilled water or deionized water or both shall be readily available.
- l) The laboratory shall include at least one fume hood.
- m) Counting instruments shall be located in a room separate from all other analytical activities. The temperature of such room shall be maintained between 60° F (16° C) and 80° F (27° C) and shall not vary under normal operating conditions by more than 3° C.

**Section 406.220 Laboratory Equipment and Instrumentation**

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

Instruments that are needed to analyze for the parameters for which the laboratory is being certified shall meet the following minimum specifications.

- a) An analytical balance shall have a precision of plus or minus 0.1 mg or better and a scale readability of 0.1 mg or better.
- b) A pH meter shall have an accuracy of plus or minus 0.1 units or better, and a scale readability of plus or minus 0.1 units or better. The pH meter may be either line/bench or battery/portable operated.
- c) A specific ion meter shall have an accuracy and scale readability of plus or minus 0.1 mV or better and shall have expanded millivolt scale capability. The specific ion meter may be either line/bench or battery/portable operated.
- d) A conductivity meter and cell combination, suitable for checking distilled water quality, shall be readable in ohms or mhos, and have a range of up to 4 megohm/cm or greater (conductivity down to 0.1 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.
- e) A drying oven shall be of the gravity convection type.
- f) A desiccator may be a glass, glass and metal, or plastic model, depending upon the particular application.
- g) A hot plate shall have a selectable temperature control for safe heating of samples and laboratory reagents.
- h) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).
- i) A muffle furnace shall be automatically controlled with a chamber capacity of at least 2200 cubic centimeters. The maximum operating temperature of the muffle furnace shall be at least 1100° C intermittent and 1000° C continuous.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- j) A centrifuge shall be capable of attaining a speed of at least 3000 rpm and shall have a loading option of 4 x 50 mL capacity.
- k) A fluorometer shall be capable of detecting 0.0005 micrograms of uranium.
- l) A liquid-scintillation system shall be such that the sensitivity of the radioanalysis meets or exceeds the standards specified in this Part.
- m) A gas-flow proportional counting system or other low background alpha-particle and beta-particle counting system shall have a cosmic guard detector operated in anticoincidence with the signal from the sample detector and shielding, such that the alpha-particle background will not exceed 0.2 cpm and the beta-particle background will not exceed 2.0 cpm for a 2 inch diameter counting planchet geometry. The system shall be such that the sensitivity of the radioanalysis will meet or exceed the standards specified in this Part.
- n) A scintillation system designed for alpha-particle counting and used for the measurement of gross alpha activities or radium-226 shall include a Mylar disc coated with a phosphor (silver-activated zinc sulfide) which is placed either directly on the sample or on the face of a photomultiplier tube and is enclosed in a light-tight container. The system shall also include appropriate electronics (high voltage supply, amplifier, timer and scaler).
- o) A scintillation cell system for the specific measurement of radium-226 by the radon emanation method shall include a light-tight enclosure capable of accepting the scintillation cells, a detector (phototube) and the appropriate electronics (high voltage supply, amplifier, timer and scaler).
- p) A gamma-ray spectrometer system shall include a thallium-activated sodium iodide (NaI(Tl)) crystal, a solid state lithium drifted germanium (Ge(Li)) detector, a high purity germanium detector or a gamma-X photon detector connected to a multichannel pulse-height analyzer.
  - 1) If a sodium iodide detector is used, the crystal shall be, at minimum, a 7.5 cm x 7.5 cm cylindrical crystal, or preferably, a 10 cm x 10 cm crystal. A minimum shielding equivalent to 10 cm of iron shall surround the detector. The multichannel pulse-height analyzer, in addition to appropriate electronics, shall contain a memory of not less than 250 channels and at least one readout device.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 2) If a lithium-drifted germanium detector, a high purity germanium detector or a gamma-X photon detector is used, a minimum shielding equivalent to 10 cm of iron shall surround the detector. The multichannel analyzer, in addition to appropriate electronics, shall contain a memory of not less than 2000 channels and at least one readout device.

**Section 406.230 General Laboratory Practices**

- a) Prior to use, all plastic or glass labware shall be washed in a warm detergent solution and thoroughly rinsed, first in tap water and then in distilled or deionized water. Cleaned labware shall be stored in a manner to keep it clean. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of labware.
- b) Distilled or deionized water shall have resistivity values of at least 1.0 megohm/cm (conductivity less than 1.0 micromhos/cm) at 25° C.
- c) When commercially available, chemicals certified by the manufacturer as being "analytical reagent grade" as specified by the American Chemical Society (ACS) or higher quality chemicals shall be used for all procedures.
- d) An enclosed, properly labeled area shall be available for the safe storage of radioactive materials.
- e) There shall be a designated area within the laboratory for preparation of radioactive standards and samples. Appropriate precautions shall be taken in this area to minimize radiation exposure and to prevent radioactive contamination. Provisions shall be made for safe storage and disposal of radioactive wastes and for monitoring the work area.

**Section 406.240 Analytical Methodology**

- a) The methods listed in the table in Section 141.25(a), "Analytical Methods for Radiocativity", 40 CFR 141, National Primary Drinking Water Regulations effective as of March 5, 1997, published at 62 FR 10173 - 10174 are to be used to determine compliance with this Part (see Agency Note in Section 406.25 of this Part).

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- b) When the identification and measurement of radionuclides other than those listed in subsection (a) of this Section is required, the methods designated for water analysis in the following references are to be followed:
- 1) H. L. Krieger and S. Gold, "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," EPA-R4-73-014, U.S. Environmental Protection Agency, Cincinnati, Ohio (May 1973); or
  - 2) John H. Harley, ed., "HASL Procedure Manual," HASL-300, Environmental Measurement Laboratory, New York, New York (1997).
- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit shall be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma (s) where sigma (s) is the standard deviation of the net counting rate of the sample). The standards for detection limits of radioanalyses are as follows:
- 1) To determine compliance with maximum allowable concentration levels for radium-226 and radium-228, the detection limit shall not exceed 1 pCi/L.
  - 2) To determine compliance with maximum allowable concentration levels for gross alpha activity (including radium-226, but excluding radon and uranium) the detection limit shall not exceed 3 pCi/L.
  - 3) To determine compliance with maximum allowable concentration levels for beta-particle and photon radioactivity, the detection limits shall not exceed the following concentrations:

---

Radionuclide	Detection Limit
Tritium	1000 pCi/L
Strontium-89	10 pCi/L
Strontium-90	2 pCi/L
Iodine-131	1 pCi/L
Cesium-134	10 pCi/L
Gross beta	4 pCi/L

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

Other radionuclides<sup>a</sup>  $\frac{1}{10}$  of the applicable limit

## AGENCY NOTE:

- <sup>a</sup> As calculated from "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," National Bureau of Standards Handbook 69, August 1963, U.S. Department of Commerce.
- d) To determine compliance with the applicable maximum contaminant levels, averages of data shall be used and shall be rounded to the same number of significant digits as stated in the maximum contaminant level established for the substance in question.
- e) The Department may, upon written application, approve the use of an alternative analytical technique. An alternative analytical technique shall not be approved unless the Department determines that the technique is substantially equivalent to the prescribed test both in precision and accuracy as it relates to the determination of compliance with the applicable maximum contaminant level. Such approval shall be in writing and shall not be effective without the concurrence of the Administrator of the U.S. Environmental Protection Agency.

**Section 406.250 Sample Collection, Handling and Preservation**

The following requirements for container types and preservation shall be met for each individual parameter <sup>a</sup>:

Parameter	Preservative <sup>b</sup>	Container <sup>c</sup>
Gross alpha	Conc HCl or HNO <sup>3</sup> to pH less than 2 <sup>d</sup>	P or G
Gross beta	Conc HCl or HNO <sup>3</sup> to pH less than 2 <sup>d</sup>	P or G
Strontium-89	Conc HCl or HNO <sup>3</sup> to pH less than 2	P or G
Strontium-90	Conc HCl or HNO <sup>3</sup> to pH less than 2	P or G
Radium-226	Conc HCl or HNO <sup>3</sup> to pH less than 2	P or G
Radium-228	Conc HCl or HNO <sup>3</sup> to pH less than 2	P or G
Cesium-134	Conc HCl to pH less than 2	P or G
Iodine-131	None	P or G

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

Tritium	None	P or G
Uranium	Conc HC1 or HNO <sup>3</sup> to pH less than 2	P or G
Phonton emitters	Conc HC1 or HNO <sup>3</sup> to pH less than 2	P or G

## AGENCY NOTES:

- <sup>a</sup> If a laboratory has no control over these factors, the laboratory director must reject any samples not meeting these criteria and so notify the authority requesting the analyses.
- <sup>b</sup> Preservative shall be added to the sample at the time of collection, unless suspended solids are to be measured or unless the concentrated acid specified for preservation cannot be added because of shipping restrictions. If it is necessary to ship the sample unpreserved to the laboratory or storage area, acidification may be delayed up to 5 days. After acidification, samples shall be thoroughly mixed and then preserved for a minimum of 16 hours before analysis.
- <sup>c</sup> P = Plastic, hard or soft; G = Glass, borosilicate or flint.
- <sup>d</sup> If HC1 is used to acidify samples to be analyzed for gross alpha or gross beta activity, the acid salts shall be converted to nitrate salts before transfer of samples to planchets.

**Section 406.260 Quality Assurance**

- a) A written description of the current laboratory quality assurance program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. A record of analytical quality assurance tests and quality assurance checks on materials and equipment shall be prepared and retained for at least 3 years.
- b) A laboratory manual containing complete written instructions for each parameter or method for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- c) The laboratory shall participate at least twice per year in those U.S. Environmental Protection Agency Performance Evaluation Studies that include parameters and methods for which the laboratory is or desires to be certified. Analytical results shall be within 1.73 times the standard deviation of the specific

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982," EPA-600/4-81-004, Table 3, U.S. Environmental Protection Agency (1982). Results shall be provided to the Department within 90 days after receipt of the performance evaluation sample.

- d) The laboratory shall participate at least once per year in the blind Performance Evaluation Study administered by the U.S. Environmental Protection Agency. Analytical results shall be within 1.73 times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982," EPA-600/4-81-004, Table 3, U.S. Environmental Protection Agency (1982), for each parameter or method for which the laboratory is or desires to be certified. Results shall be provided to the Department within 90 days after receipt of the blind performance evaluation sample.
- e) Operating manuals and calibration protocols for counting instruments shall be available to laboratory personnel.
- f) Calibration data and maintenance records on all radiation instruments shall be maintained in a permanently bound record.
- g) The following quality control procedures shall be utilized by the laboratory on a daily basis:
  - 1) To verify internal laboratory precision for a specific analysis, 10 percent or more duplicate analyses shall be performed. If the difference between duplicate analyses exceeds two times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982," EPA-600/4-81-004, Table 3, U.S. Environmental Protection Agency (1982), prior measurements are suspect, calculations and procedures shall be examined and samples shall be re-analyzed when necessary.
  - 2) When 20 or more specific analyses are performed each day, a performance standard and a background sample shall be measured with each 20 samples. If less than 20 specific analyses are performed each day, a performance standard and a background sample shall be measured along with the samples, except for low level gamma counting.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 3) Quality control performance charts or records shall be maintained for each instrument.
- h) Weights certified by the manufacturer as meeting the requirements established by the American Society for Testing and Materials (ASTM) for Class "1" weights shall be available at the laboratory and used to make periodic checks on balances.
- i) Chemicals shall be dated upon receipt of shipment and replaced before shelf life has been exceeded.
- j) The laboratory should prepare and follow a written quality assurance (QA) plan. The following items should be addressed in each QA plan:
  - 1) Sampling procedures;
  - 2) Sample handling procedures, which specify the methods used to maintain the integrity of all samples (i.e., tracking samples from receipt by laboratory through analysis to final disposition), and provide for maintaining and documenting the chain of custody of samples identified to the laboratory as likely to be the basis for enforcement actions;
  - 3) Instrument or equipment calibration procedures and frequency of their use;
  - 4) Analytical procedures;
  - 5) Data reduction, validation and reporting, including conversion of raw data to final reported results, insuring accuracy of data transcription and calculations, and procedures and format for reporting data to water supply operators, the Department, and other state and federal agencies;
  - 6) Types of quality control checks and frequency of their use, which may include preparation of calibration curves, instrument calibrations, replicate analyses, use of quality control samples or calibration standards, and use of quality control charts;
  - 7) Preventive maintenance procedures and schedules;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

- 8) Specific routine procedures used to determine data precision and accuracy for each contaminant measured. Precision is determined based on the results of replicate analyses. Accuracy is normally determined by comparison of results with known concentrations in reagent water standards and by analyses of water matrix samples before and after adding a known contaminant spike;
  - 9) Corrective action contingencies, specifying the laboratory's response to obtaining unacceptable results from analysis of performance evaluation samples and from internal quality control checks;
  - 10) Laboratory organization and responsibility, including a chart or table showing the laboratory organization and line of authority, and listing the key individuals who are responsible for ensuring the production of valid measurements and for the routine assessment of measurement systems for precision and accuracy (e.g., who is responsible for internal audits and reviews of the implementation of the plan and its requirements).
- k) The quality assurance plan may be a separately prepared quality assurance document or may incorporate by reference already available standard operation procedures (SOPs) that are approved by the laboratory director and that address the items listed in subsection (j) of this Section. If a particular listed item is not relevant, the quality assurance plan should state this and provide a brief explanation (e.g., some laboratories do not collect samples and thus are not required to describe sampling procedures). A laboratory quality assurance plan should be concise but responsive to the items listed in subsection (j) of this Section. Minimizing paperwork while improving the dependability and quality of data are the intended goals.

**Section 406.270 Record Maintenance**

- a) Compliance monitoring activities shall be performed using the analytical methodology specified in Section 406.240(a) and (b) of this Part or approved in accordance with Section 406.240(e) of this Part. These activities shall be in accordance with written procedures for sample handling. These procedures shall provide for establishing and maintaining an accurate written record that documents the possession and handling of samples.
- b) Records of radiochemical analyses shall be kept by the laboratory for at least 3

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED REPEALER

years. This includes raw data, calculations, quality assurance data and reports. Actual laboratory reports may be kept. However, data, with the exception of the results of testing the compliance check samples required by Section 406.260(c) and (d) of this Part, may be transferred to tabular summaries that shall include the following information:

- 1) Date, place and time of sampling;
  - 2) Name of person who collected the sample;
  - 3) Identification of the sample origin, such as routine distribution sample, check sample, raw or process water sample, surface or ground water sample or other special purpose samples;
  - 4) Date of receipt of sample;
  - 5) Date of sample analysis;
  - 6) Name of the persons responsible for performing the analysis;
  - 7) Analytical techniques or methods used; and
  - 8) Results of the analysis.
- c) Computer programs designed and developed in-house shall be verified initially by manual calculations and the calculations shall be available for inspection.
- d) The disposal of all records subject to the Local Records Act [50 ILCS 205] must be in accordance with the provisions of that Act.

**Section 406.280 Action Response to Laboratory Results**

When action response is a designated responsibility of the laboratory and laboratory results indicate that a maximum allowable concentration of any parameter has been exceeded, the laboratory shall notify the person requesting the analysis within 2 business days after obtaining the unsatisfactory sample result.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.1960                      Proposed Action:  
Amendment
- 4) Statutory Authority: 35 ILCS 120/12; 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Department's regulation at 86 Ill. Adm. Code 130.1960 entitled Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts. Specifically, this rule is being amended to reflect the changes made to the Retailers' Occupation Tax Act ("ROT") pursuant to P.A. 99-217, effective July 31, 2015. P.A. 99-217 amended the ROT by adding a new Section 6d. Section 6d provides that beginning July 31, 2015, a retailer is relieved from liability for any tax that becomes due and payable if the tax is represented by amounts that are found to be worthless or uncollectible, have been charged off as bad debt on the retailer's books and records in accordance with generally accepted accounting principles, and have been claimed as a deduction pursuant to Section 166 of the Internal Revenue Code. P.A. 99-217 also amended the ROT to provide deductions for bad debts on purchases made through a private-label credit card.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
130.340	Amendment	40 Ill. Reg. 10083, July 29, 2016
130.311	Amendment	41 Ill. Reg. 3168, March 17, 2017
130.320	Amendment	41 Ill. Reg. 3817, March 31, 2017

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing no later than 45 days after publication of this Notice to:  
  
Debra Boggess  
Legal Services Office  
Illinois Department of Revenue  
101 West Jefferson  
Springfield IL 62794  
  
217/ 782-2844
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that want relief from liability for any tax that becomes due and payable if the tax is represented by amounts that are found to be worthless or uncollectible, have been charged off as bad debt on the retailer's books and records, and claimed on their federal income tax return.
  - B) Reporting, bookkeeping or other procedures required for compliance: Basic bookkeeping
  - C) Types of professional skills necessary for compliance: Bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 130  
RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions
130.325	Graphic Arts Machinery and Equipment Exemption

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

## SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments (Repealed)
130.605	Sales of Property Originating in Illinois; Questions of Interstate Commerce
130.610	Sales of Property Originating in Other States (Repealed)

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 130.805 What Records Constitute Minimum Requirement
- 130.810 Records Required to Support Deductions
- 130.815 Preservation and Retention of Records
- 130.820 Preservation of Books During Pendency of Assessment Proceedings
- 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

- Section
- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

- Section
- 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
- 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

- Section
- 130.1201 General Information
- 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

- Section
- 130.1301 When Lessee of Premises Must File Return for Leased Department
- 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

- Section  
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number – When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

- Section  
130.1501 Claims for Credit – Limitations – Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON  
SELLING OUT OR DISCONTINUING BUSINESS

- Section  
130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns Are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

- Section  
130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 130.1801 When Powers of Attorney May be Given
- 130.1805 Filing of Power of Attorney With Department
- 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## Section

- 130.1901 Addition Agents to Plating Baths
- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1934 Community Water Supply
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1946 Tangible Personal Property Used ~~or~~ Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons
- 130.1947 Tangible Personal Property Used or Consumed in the Process of Manufacturing and Assembly within Enterprise Zones or by High Impact Businesses
- 130.1948 Tangible Personal Property Used or Consumed in the Operation of Pollution Control Facilities Located within Enterprises Zones
- 130.1949 Sales of Building Materials Incorporated into the South Suburban Airport
- 130.1950 Sales of Building Materials Incorporated into the Illiana Expressway
- 130.1951 Sales of Building Materials Incorporated into Real Estate within Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1954 Sales of Building Materials Incorporated into Real Estate within River Edge Redevelopment Zones
- 130.1955 Farm Chemicals
- 130.1956 Dentists
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1971	Sellers of Pets and the Like
130.1975	Operators of Games of Chance and Their Suppliers
130.1980	Optometrists and Opticians
130.1985	Pawnbrokers
130.1990	Peddlers, Hawkers and Itinerant Vendors
130.1995	Personalizing Tangible Personal Property
130.2000	Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2004	Sales to Nonprofit Arts or Cultural Organizations
130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
130.2007	Exemption Identification Numbers
130.2008	Sales by Nonprofit Service Enterprises
130.2009	Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
130.2010	Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2013	Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Discount Coupons, Gift Situations, Trading Stamps, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

## SUBPART T: DIRECT PAYMENT PROGRAM

Section	
130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 130.ILLUSTRATION A Examples of Tax Exemption Cards  
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration  
130.ILLUSTRATION C Food Flow Chart

**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015; amended at 40 Ill. Reg. 6130, effective April 1, 2016; amended at 40 Ill. Reg. 13448, effective September 9, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART S: SPECIFIC APPLICATIONS

**Section 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts**

- a) Lending Agencies – When Liable For Tax  
Finance companies and other lending agencies are not relieved from liability for tax in cases in which they engage in the business of selling to users or consumers tangible personal property to which they hold or acquire title. Except as provided in subsection (b) ~~of this Section~~, when a lending agency transfers title to a repossessed car to a user, the lending agency is engaging in the business of selling tangible personal property at retail and incurs Retailers' Occupation Tax (ROT) liability on its receipts from ~~thosesuch~~ sales. It should be registered as a retailer under the Retailers' Occupation Tax Act and should file returns and otherwise comply with that Act.
- b) Lending Agencies – When Not Liable For Tax
  - 1) Finance companies and other lending agencies are engaged primarily in the business of financing or acquiring the promissory notes given by purchasers of automobiles, furniture, refrigerators or other items of tangible personal property.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 2) To guarantee payment of ~~these promissory~~ notes, ~~lending agencies~~ sometimes take as security chattel mortgages upon ~~these~~ tangible personal property. ~~When in cases where~~ the purchaser of the automobile or other tangible personal property fails to meet his ~~or her~~ obligation, the lending agency repossesses the property and sells it to satisfy the obligation evidenced by the notes. In connection with ~~these~~ sales, the lending agency acts as agent for the owner of the repossessed property if ~~the~~ owner is known or disclosed to the purchaser; and if the lending agency does not take title to the property; the lending agency, under ~~these~~ circumstances, is not liable for payment of any ~~ROT~~ ~~Retailers'~~ ~~Occupation Tax~~ with respect to the proceeds from ~~these~~ sales.
  - 3) Even if the lending agency does title a repossessed motor vehicle in its name, if the original buyer, after the expiration of the redemption period provided for in the Retail Installment Sales Act [815 ILCS 405], is granted permission to redeem and to resume possession of the vehicle and to continue performance under his ~~or her~~ original installment contract without any change in the terms of ~~the~~ contract, and the lending agency ~~re-endorses~~ ~~receivable~~ the repossession title to ~~the~~ original buyer, the transaction is not regarded as a sale and so is not taxable.
- c) Installment Sales
- 1) When a retailer of tangible personal property sells an installment contract or "paper" to a third party, the difference between the selling price of the tangible personal property and the selling price of the installment contract or "paper" is a cost of doing business and is therefore not deductible in computing ~~ROT~~ ~~Retailers'~~ ~~Occupation Tax~~ liability. ~~ROT~~ ~~Retailers'~~ ~~Occupation Tax~~ is measured by the total selling price of the tangible personal property purchased from the retailer for use or consumption. Upon sale of the installment contract or "paper" to a third party, ~~ROT~~ ~~Retailers'~~ ~~Occupation Tax~~ becomes due based on the entire selling price to the purchaser of the tangible personal property, with credit allowed for any tax already remitted to the Department based on the receipts from the sale of the tangible personal property. As an illustration, a computer vendor enters into an installment sales contract with a business for a computer system. The selling price of the computer system is \$120,000 and the

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

contract requires monthly installment payments of \$10,000 for one year. After the business makes the first payment, the computer vendor sells the installment contract to a bank for \$90,000. Upon the sale of the installment contract to the bank, the computer vendor incurs ~~ROT~~Retailers' Occupational Tax on \$120,000 (the entire selling price to the original purchaser), with credit allowed for the tax that was remitted on the first \$10,000 payment made by the business.

- 2) For purposes of this Section, "paper" means any instrument of indebtedness ~~that~~which was acquired by the retailer from the purchaser of the tangible personal property. Sales of "paper" to a third party includes the sale of accounts receivable as well as assignments or sales of the actual instruments of indebtedness themselves.

d) Bad Debts

1) Definitions. On and after July 31, 2015, for purposes of this subsection (d):

A) "Retailer" means a person who holds himself or herself out as being engaged (or who habitually engages) in selling tangible personal property at retail with respect to such sales and includes a retailer's affiliates.

B) "Lender" means a person, or an affiliate, assignee, or transferee of that person, who owns or has owned a private-label credit card account or an interest in a private-label credit card receivable that the person purchased directly from a retailer who remitted the tax imposed under the Retailers' Occupation Tax Act; originated pursuant to that person's contract with the retailer who remitted the tax imposed under the Retailers' Occupation Tax Act; or acquired from a third party.

C) "Private-label Credit Card" means a charge card or credit card that carries, refers to, or is branded with the name or logo of a retailer and may only be used to make purchases from that retailer or that retailer's affiliates.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

D) *"Affiliate" means an entity affiliated under section 1504 of the Internal Revenue Code, or an entity that would be an affiliate under that section had the entity been a corporation. [35 ILCS 120/6d]*

2) Bad Debt Claimed by Retailers Through July 30, 2015

A)1) In case a retailer repossesses any tangible personal property and subsequently resells ~~that~~<sup>such</sup> property to a purchaser for use or consumption, his ~~or her~~ gross receipts from ~~that~~<sup>such</sup> sale ~~of the repossessed tangible personal property~~ are subject to ~~ROT~~<sup>Retailers' Occupation Tax</sup>. ~~The retailer~~<sup>He</sup> is entitled to a bad debt credit with respect to the original sale in which the default has occurred to the extent to which he ~~or she~~ has paid ~~ROT~~<sup>Retailers' Occupation Tax</sup> on a portion of the price ~~that~~<sup>which</sup> he ~~or she~~ does not collect, or ~~that~~<sup>which</sup> he ~~or she~~ is not permitted to retain because of being required to make a repayment ~~of that portion thereof~~ to a lending agency under a "with recourse" agreement.

B) Retailers of tangible personal property other than motor vehicles, watercraft, trailers and aircraft that must be registered with an agency of this State may obtain this bad debt credit by taking a deduction on the returns they file with the Department for the month in which the federal income tax return or amended federal income tax return on which the receivable is written off is filed, or by filing a claim for credit ~~as~~<sup>provided</sup> in subsection (d)~~(2)(D)~~~~(3)~~ ~~of this Section~~. Because retailers of motor vehicles, watercraft, trailers and aircraft do not pay ~~ROT~~<sup>Retailers' Occupation Tax</sup> to the Department on retail sales of motor vehicles, watercraft, trailers, and aircraft with monthly returns, but remit the tax to the Department on a transaction by transaction basis, they are unable to take a deduction on the returns that they file with the Department, but may file a claim for credit with the Department, as provided in subsection ~~(d)(2)(D)~~~~(d)(3)~~, on any transaction with respect to which they desire to receive the benefit of the repossession credit.

C)2) Retailers who incur bad debt on any tangible personal property that

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

is not repossessed may also obtain bad debt credit as provided in subsections (d)(2)(A) and (D)(d)(1) and (3).

D)3) In the case of tax paid on an account receivable that becomes a bad debt, the tax paid becomes a tax paid in error, for which a claim for credit may be filed in accordance with Section 6 of the Retailers' Occupation Tax Act, on the date that the ~~federal~~Federal income tax return or amended return on which the receivable is written off is filed.

3) Bad Debt Claimed by Retailers on and after July 31, 2015

A) On and after July 31, 2015, a retailer is relieved from liability for any tax that becomes due and payable if the tax is represented by amounts that are found to be worthless or uncollectible, have been charged off as bad debt on the retailer's books and records in accordance with generally accepted accounting principles, and have been claimed as a deduction pursuant to section 166 of the Internal Revenue Code on the income tax return filed by the retailer. A retailer that has previously paid such a tax may, under rules and regulations adopted by the Department, take as a deduction the amount charged off by the retailer. If these accounts are thereafter, in whole or in part, collected by the retailer, the amount collected shall be included in the first return filed after the collection, and the tax shall be paid with the return. [35 ILCS 120/6d(a)] For purposes of computing the deduction or refund, payments on the accounts or receivables should be prorated against the amounts outstanding on the accounts or receivables (e.g., any penalties, interest and fees).

B) Because retailers of motor vehicles, watercraft, trailers and aircraft do not pay ROT to the Department on retail sales of motor vehicles, watercraft, trailers and aircraft with monthly returns, but remit the tax to the Department on a transaction-by-transaction basis, they are unable to take a deduction on the returns that they file with the Department, but may file a claim for credit with the Department, as provided in subsection (d)(2)(D), on any eligible transaction.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 4) Private-label Credit Cards – Bad Debt on and after July 31, 2015
- A) On and after July 31, 2015, with respect to the payment of taxes on purchases made through a private-label credit card, if consumer accounts or receivables are found to be worthless or uncollectible, the retailer may claim a deduction on a return in an amount equal to, or may obtain a refund of, the tax remitted by the retailer on the unpaid balance due if:
- i) the accounts or receivables have been charged off as bad debt on the lender's books and records on or after January 1, 2016;
  - ii) the accounts or receivables have been claimed as a deduction pursuant to section 166 of the Internal Revenue Code on the federal income tax return filed by the lender; and
  - iii) a deduction was not previously claimed and a refund was not previously allowed on that portion of the account receivable.
- B) The deduction or refund allowed under subsection (d)(4)(A):
- i) does not apply to credit sale transaction amounts resulting from purchases of titled property;
  - ii) includes only those credit sale transaction amounts that represent purchases from the retailer whose name or logo appears on the private-label credit card used to make those purchases;
  - iii) may only be taken by the taxpayer, or its successors, that filed the return and remitted tax on the original sale on which the deduction or refund claim is based; and

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- iv) includes all credit sale transaction amounts eligible under subsection (d)(4)(B)(ii) that are outstanding with respect to the specific private-label credit card account or receivable at the time the account or receivable is charged off, regardless of the date the credit sale transaction actually occurred.
- 5) Bad Debt Procedural Requirements – Record Keeping – Limitations Period on and after July 31, 2015
- A) The retailer and lender shall maintain adequate books, records or other documentation supporting the charge off of the accounts or receivables for which a deduction was taken or a refund was claimed under Sections 6 or 6d of the Retailers' Occupation Tax Act, including, but not limited to, a copy of the federal return on which the deduction or refund was claimed. For purposes of computing the deduction or refund, payments on the accounts or receivables should be prorated against the amounts outstanding on the accounts or receivables.
- B) If a retailer or lender does not charge off an account receivable that is found to be worthless or uncollectible as a bad debt in its books and records and claim a deduction pursuant to section 166 of the Internal Revenue Code on its federal income tax return or amended return, the tax paid on that bad debt or receivable will not be considered a tax paid in error and, thus, the retailer will not be able to file a deduction or claim for credit in accordance with Sections 6 or 6d of the Retailers' Occupation Tax Act. Retailers or lenders that file federal returns on a cash basis and cannot claim a deduction pursuant to section 166 of the Internal Revenue Code are not eligible for the bad debt deduction.
- C) For purposes of the deduction or refund allowable under Section 6d of the Retailers' Occupation Tax Act, the limitations period for claiming the deduction or refund shall be the same as the limitations period set forth in Section 6 of the Retailers' Occupation Tax Act for filing a claim for credit, and shall commence on the date that the accounts or receivables have been

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

*claimed as a bad debt deduction pursuant to section 166 of the Internal Revenue Code on the federal income tax return filed by the lender, regardless of the date on which the sale of the tangible personal property actually occurred.*

D) *Section 6d of the Act is statutorily exempt from the sunset provisions of Section 2-70 of the Act. [35 ILCS 120/6d]*

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure.
- 2) Code Citation: 4 Ill. Adm. Code 425
- 3) Section Number: 425.10                      Adopted Action:  
Amendment
- 4) Statutory Authority: 20 ILCS 505/4
- 5) Effective Date of Rule: June 6, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? Yes
- 8) A copy of the adopted rule, including material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 9304; July 15, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department amended this Part to replace the previous "Designated Coordinator", which had been named in the part. The new Designated Coordinator is being named by title only.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeff Osowski  
Office of Child and Family Policy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Department of Children and Family Services  
406 E. Monroe, Station #65-D  
Springfield IL 62701-1498

217/524-1983  
TTY: 217/ 524-3715  
fax: 217/ 557-0692  
[cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 4: DISCRIMINATION PROCEDURES  
CHAPTER XIV: DEPARTMENT OF CHILDREN AND FAMILY SERVICESPART 425  
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
425.10	Purposes
425.20	Definitions
425.30	Procedure
425.40	Designated Coordinator Level
425.50	Final Level
425.60	Accessibility
425.70	Case-By-Case Resolution

**AUTHORITY:** Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4].

**SOURCE:** Adopted at 36 Ill. Reg. 12303, effective July 20, 2012; amended at 41 Ill. Reg. 7127, effective June 6, 2017.

**Section 425.10 Purposes**

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations (28 CFR 35) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator:

[DCFS ADA Officer](#)  
[1921 South Indiana](#)  
[Chicago IL 60616](#)  
[\(312\)808-5000](#)

[DCFS.OfficeofAffirmativeAction@illinois.gov](mailto:DCFS.OfficeofAffirmativeAction@illinois.gov)  
[Debra Dyer](#)  
[1921 South Indiana](#)  
[Chicago IL 60616](#)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

~~312/808-5000~~

~~debra.dyer@illinois.gov~~

- b) In general, the ADA requires that each program, service and activity offered by the Department of Children and Family Services, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

(Source: Amended at 41 Ill. Reg. 7127, effective June 6, 2017)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2950
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2950.10	Repealed
2950.20	Repealed
2950.30	Repealed
2950.40	Repealed
2950.50	Repealed
2950.60	Repealed
2950.70	Repealed
2950.80	Repealed
2950.90	Repealed
2950.100	Repealed
2950.110	Repealed
2950.120	Repealed
2950.200	Repealed
2950.210	Repealed
2950.220	Repealed
2950.230	Repealed
2950.240	Repealed
2950.APPENDIX A	Repealed
2950.APPENDIX B	Repealed
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], the Freedom of Information Act [5 ILCS 140 et seq.] and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/10.2].
- 5) Effective Date of Repealer: June 9, 2017
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, IL 62704 and is available for public inspection.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED REPEALER

- 9) Notice of Proposal published in the *Illinois Register*: This internal rulemaking was not required to be filed at the 1st Notice stage.
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between Proposal and Final Version: This internal rulemaking was not required to be filed at the 1st Notice stage.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? This internal rulemaking was not required to be filed at the 1st Notice stage.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: The Illinois Emergency Management Agency (IEMA) is proposing to repeal this regulation. The regulation is outdated and the Low-Level Radioactive Waste Task Group has completed all duties statutorily required at this point. The Task Group has not met for many years as there has not been a voluntary site for a disposal facility and IEMA does not anticipate this status to change in the immediate future. Any information concerning the Task Group's activities may be obtained by contacting IEMA as specified in 2 Ill. Adm. Code 1800.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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

217/785-9860

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Achieving a Better Life Experience (ABLE) Account Program
- 2) Code Citation: 74 Ill. Adm. Code 722
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
722.100	New Section
722.110	New Section
722.120	New Section
722.200	New Section
722.300	New Section
722.310	New Section
722.320	New Section
722.330	New Section
722.340	New Section
722.350	New Section
722.360	New Section
722.370	New Section
722.380	New Section
722.400	New Section
722.410	New Section
722.420	New Section
722.500	New Section
722.510	New Section
722.520	New Section
722.530	New Section
722.540	New Section
722.550	New Section
722.560	New Section
722.570	New Section
722.600	New Section
722.610	New Section
722.630	New Section
722.700	New Section
722.710	New Section
722.720	New Section
722.730	New Section
722.740	New Section
722.800	New Section

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 4) Statutory Authority: 15 ILCS 505/16.6
- 5) Effective Date of Rules: June 7, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, see the definition of "federal guidelines" in Section 200.
- 8) A copy of the adopted rules is on file in the State Treasurer's office at 219 State House, Springfield, IL 62706 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 789; February 3, 2017
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: The definition of "federal guidelines" was revised to specify the date-specific edition of the guidelines referenced. Subsection (d) was added to 722.310 in order to outline the investment options established under the ABLE Program. Section 722.620 was omitted as a result of a change in federal law. Further clarification was provided for the fee structure by differentiating administrative fees from fees by the investment manager and account administrator. Additionally, technical revisions were made throughout the rule.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules will provide clarification for the implementation and administration of the Achieving a Better Life Experience (ABLE) Account Program [15 ILCS 505/16.6], which was signed into law on July 27, 2015. The statute established a savings program to be administered by the Treasurer's Office for the purpose of providing persons with blindness or disabilities the option to invest in tax-advantaged savings vehicles for disability-related expenses.
- 16) Information and questions regarding these adopted rules shall be directed to:

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

G. Allen Mayer  
Deputy General Counsel  
Illinois State Treasurer  
219 State House  
Springfield IL 62706

217/557-2673

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

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE  
CHAPTER XVI: TREASURER

## PART 722

## ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNT PROGRAM

## SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

## Section

- 722.100 Establishment of Program
- 722.110 Purpose of Program
- 722.120 Interstate Agreement or Compact

## SUBPART B: DEFINITIONS

## Section

- 722.200 Definitions

## SUBPART C: ADMINISTRATION

## Section

- 722.300 Responsibilities of the Treasurer
- 722.310 Investment Policy and Guidelines
- 722.320 Account Administration/Administrator
- 722.330 Recordkeeping and Recordkeeping Responsibilities
- 722.340 Enrollment and Fees
- 722.350 ABLE Administrative Fund
- 722.360 Marketing and Promotion
- 722.370 Contracting States
- 722.380 Forms

## SUBPART D: PARTICIPATION AND ENROLLMENT IN THE PROGRAM

## Section

- 722.400 Eligibility
- 722.410 Designated Representative
- 722.420 Enrollment Application

## SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

OFFICE OF THE TREASURER

NOTICE OF ADOPTED RULES

Section

- 722.500 ABLE Accounts
- 722.510 Allocation of Investment Earnings or Losses
- 722.520 Limits on Investment and Directions
- 722.530 Administrative Expenses
- 722.540 Participant Statements
- 722.550 Conversions and Rollovers
- 722.560 Contributions
- 722.570 Aggregate Account Balance Limits

SUBPART F: WITHDRAWALS OR DISTRIBUTIONS

Section

- 722.600 Qualified Withdrawals/Distributions
- 722.610 Qualified Disability Expense
- 722.630 Federal Reporting Requirements

SUBPART G: MISCELLANEOUS

Section

- 722.700 Death of Beneficiary
- 722.710 Missing Persons/Abandonment
- 722.720 Nonassignability
- 722.730 Website
- 722.740 Excess/Mistaken Contributions

SUBPART H: AMENDMENT OF RULES

Section

- 722.800 Amendment of Rules

AUTHORITY: Implementing and authorized by Section 16.6 of the State Treasurer Act [15 ILCS 505].

SOURCE: Adopted at 41 Ill. Reg. 7133, effective June 7, 2017.

SUBPART A: INTRODUCTION AND PURPOSE OF PROGRAM

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

**Section 722.100 Establishment of Program**

This Part governs the Achieving a Better Life Experience (ABLE) Account Program created by Section 16.6 of the State Treasurer Act [15 ILCS 505].

**Section 722.110 Purpose of Program**

- a) The purpose of the ABLE Program is to encourage and assist individuals and families in saving private funds to support individuals with blindness or disabilities in order to maintain health, independence and quality of life, and to provide secure funding for disability-related expenses that will supplement, but not supplant, benefits provided through private insurance and federal and state medical and disability insurance.
- b) The ABLE Program is established pursuant to the federal ABLE Act of 2014 (26 USC 529A), which amended the Internal Revenue Code of 1986 to allow states to establish tax-exempt savings accounts for individuals with blindness or disabilities if those savings are used to cover qualified disability expenses.

**Section 722.120 Interstate Agreement or Compact**

The Treasurer may enter into an interstate agreement for joint ABLE-related services, in order to achieve better programming and higher economies of scale in investment options.

## SUBPART B: DEFINITIONS

**Section 722.200 Definition of Terms**

The following definitions shall apply to this Part:

"ABLE" means the federal Achieving a Better Life Experience Act of 2014 (26 USC 529A, as amended) that creates state-level tax-advantaged savings programs to assist persons with blindness or disability.

"ABLE Program" or "Program" means the Illinois ABLE Account Program administered by the State Treasurer under Section 16.6 of the Act.

"Act" means the State Treasurer Act, Section 16.6 of which which establishes the Illinois ABLE Program.

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

"Account" means an individual investment account established and maintained in the ABLÉ Program.

*"Account Administrator" means the person selected by the State Treasurer to administer the daily operations of the ABLÉ account plan and provide marketing, recordkeeping, investment management, and other services for the plan. [15 ILCS 505/16.6(a)]*

"Account Beneficiary" means the account owner whose qualified expenses are expected to be paid from an account.

"Administrative Expenses" means all expenses associated with the implementation and administration of the ABLÉ Program, including fees payable to third parties providing services related to the plan.

"Administrative Fund" means the Illinois ABLÉ Accounts Administrative Fund created in Section 5.866 of the State Finance Act [30 ILCS 105].

*"Aggregate Account Balance" means the amount in an account on a particular date or the fair market value of an account on a particular date. [15 ILCS 505/16.6(a)]*

"Applicant" means any person who is in the process of applying to open an account in the plan.

*"Board" means the Illinois State Board of Investment. [15 ILCS 505/16.6(a)]*

"Code" means the Internal Revenue Code of 1986, as amended (26 USC 1 et seq.).

*"Contracting State" means a state without a qualified ABLÉ program that has entered into a contract with Illinois to provide residents of the contracting state access to a qualified ABLÉ program. [15 ILCS 505/16.6(a)]*

"County Public Guardian" means a designated representative authorized by the State to act as a designated representative for an account beneficiary that may not have a designated representative.

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

"Designated Representative" means a person who is authorized to act on behalf of an account beneficiary.

"Disability Certification" means the certification described in Section 529A of the Code, Section 01130.740 of the Social Security Administration's Program Operations Manual System, or IRS Notice 2015-81.

"Earnings" means the aggregate total of all dividends and interest income received by the ABLE savings account plan at any time following the plan's commencement. The aggregate total of dividends and interest income shall be reduced by the aggregate total of administrative expenses paid out of the pool at any time following the commencement of the plan. Earnings shall be determined without regard to realized or unrealized capital gains and losses incurred by the plan.

*"Eligible Individual" has the meaning given to that term under Section 529A of the Code. [15 ILCS 505/16.6(a)]*

"FDIC" means the Federal Deposit Insurance Corporation.

"Federal Guidelines" means official guidance from federal agencies with jurisdiction over ABLE, specifically the SSA's Program Operations Manual System (SI 01130.740) (2016) and IRS Notice 2015-81, "Guidance Under Section 529A: Qualified ABLE Programs" (80 FR 35602) (2015). These incorporations by reference refer to the guidelines on the date specified and do not include any editions or amendments subsequently to the date specified.

"IRS" means the Internal Revenue Service.

*"Participation Agreement" means an agreement to participate in the ABLE account plan between an account owner and the State, through its agencies and the State Treasurer. [15 ILCS 505/16.6(a)]*

"Plan" means the ABLE savings account plan authorized by Section 16.6 of the Act.

"Qualified Beneficiary" means an individual who is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, or who has a "disability certification" filed with the Secretary and was disabled before age 26.

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

"Qualified Disability Expenses" means expenses that are qualified under Section 529A of the Code.

*"Qualified Withdrawal" or "Qualified Distribution" means a withdrawal from an ABLE account to pay the qualified disability expenses of the beneficiary of the account. [15 ILCS 505/16.6(a)]*

"Secretary" means the U.S. Secretary of the Treasury.

"SSA" means the Social Security Administration.

"SSI Limit" means the Supplemental Security Income limit.

"Treasurer" means the duly elected Treasurer of the State of Illinois or his or her designee or designees, which may include one or more third party service providers.

## SUBPART C: ADMINISTRATION

**Section 722.300 Responsibilities of the Treasurer**

The Treasurer is the State administrator and program manager of the ABLE Program. Treasurer's duties include, but are not limited to: the appointment of an account administrator and other tasks necessary to administer the Program. The Treasurer will contract with one or more third parties to carry out administrative duties, including: accepting and processing applications, maintaining accounting records, and making payments. The Treasurer is also responsible for establishing fees to be imposed on participants to recover the expenses of administration, recordkeeping and investment management.

**Section 722.310 Investment Policy and Guidelines**

- a) The investment policy is a written statement describing the risk management and oversight program and should be designed to:
  - 1) ensure that an effective risk management system is in place to monitor the risk levels of the ABLE Program;
  - 2) ensure that the risks taken are prudent and properly managed;

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 3) provide an integrated process for overall risk management;
  - 4) assess investment returns; and
  - 5) assess risks to determine if the risks taken are adequately compensated compared to applicable performance benchmarks and standards.
- b) The investment policy shall be reviewed annually.
- c) The Treasurer shall abide by the following investment principles when selecting investment options for ABLE accounts:
- 1) **Simplicity** – The Program's investment portfolios and asset allocation model shall be constructed and administered in a manner that provides a range of clear, easily understood options (defined in terms of expected risk/return) in order to maximize participation and provide opportunities for investment returns for account beneficiaries. Furthermore, the Program shall be designed and administered in a manner that promotes full transparency by delineating all accordant investment expenses.
  - 2) **Low Cost** – The Program's investment options shall be constructed and administered in a manner that is designed to minimize investment fees to account beneficiaries. The lowest cost index-based investment funds should be viewed as the default standard in evaluating investment management fees.
  - 3) **Short-term and Long-term Horizon Investment Options** – The Program's investment options shall provide practical investment options, which may include, but are not limited to, pre-mixed dynamic portfolios, static portfolios with varying target allocations (i.e., aggressive, moderate or conservative risk profiles), and an FDIC-insured interest bearing account.
  - 4) **Open Architecture** – The Program's investment framework shall utilize an open architecture plan design, meaning it will not be required to use proprietary funds. The open architecture design shall offer appropriate authority benefits, such as access to best in class managers with the use of nonproprietary products, increased flexibility when choosing underlying

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

strategies, and the ability to obtain the lowest fees for underlying investment funds and accounts.

- 5) **Passive Versus Active Funds** – The Program's investment options shall consist of passively managed strategies that replicate the risk and return characteristics of its respective benchmark. In asset classes in which passively managed strategies are not prevalent or in asset classes that are deemed to be inefficient, actively managed strategies may be considered.
- d) The Treasurer shall establish investment options for any or all of the following categories:
- 1) **Static Portfolio Investment Option**, which shall be composed of fixed asset allocations to fit a participant's risk profile (i.e., aggressive, moderate or conservative risk profiles). These options shall be invested in pooled investment vehicles, such as mutual funds, that include some or all of the following asset classes:
    - A) domestic and international equity;
    - B) domestic and international fixed income;
    - C) real estate investment trusts (REITs); and
    - D) cash and cash equivalent (i.e., money market funds); and
  - 2) **Banking Option**, which shall be a short-term investment option in the form of a Demand Deposit Account. The banking option will be a Federal Deposit Insurance Corporation (FDIC) insured bank account whose primary objective is the preservation and safety of the principal and the provision of a stable and low-risk rate of return.
  - 3) **Pre-mixed Dynamic Portfolio Option**, which shall be composed of dynamic asset allocations and rebalancing of portfolios based on a participant's age and/or a target date. These options shall be invested in pooled investment vehicles, such as mutual funds, that include some or all of the following asset classes:
    - A) domestic and international equity;

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- B) domestic and international fixed income;
- C) REITs;
- D) cash and cash equivalent (i.e., money market funds).

**Section 722.320 Account Administration/Administrator**

The account administrator is responsible for the day-to-day oversight and management of the ABLE Program, including coordinating with any third party investment managers or recordkeepers to ensure the safekeeping of the Program accounts. The account administrator is responsible for annually preparing and adopting a written statement of investment policy that includes a risk management and oversight program.

**Section 722.330 Recordkeeping and Recordkeeping Responsibilities**

The Treasurer will contract with a third party provider to manage recordkeeping for the ABLE Program. The recordkeeper shall provide all services needed for the effective operation of the Program in accordance with all applicable federal and State laws and regulations. These services shall include, but are not limited to:

- a) developing forms and any operating documents;
- b) processing enrollments;
- c) maintaining beneficiary accounts as outlined in ABLE;
- d) receiving contributions;
- e) blocking receipt of excess contributions;
- f) disbursing funds;
- g) providing account beneficiaries with account information, transaction confirmations and account statements;
- h) complying with applicable SSA, banking, tax and security law requirements;

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- i) filing required reports and forms with federal agencies; and
- j) providing fraud prevention.

**Section 722.340 Enrollment and Fees**

- a) An applicant may apply, on forms prescribed by the Treasurer, to open an ABLE account. A qualified beneficiary may have only one account. The Treasurer may impose a nonrefundable application fee. The application fee shall not exceed \$100.
- b) The Treasurer may charge the account owner an annual administrative fee, not to exceed \$20. This fee may be charged to defray certain expenses (e.g., marketing, auditing and program oversight) incurred by the Treasurer in administrative the ABLE Program.
- c) For the Program's investment options, the investment manager shall charge fees and expenses, which shall be reflected in the returns received from each investment option. The account administrator shall also charge fees and expenses for maintaining and administering the Program.

**Section 722.350 ABLE Administrative Fund**

*The Illinois ABLE Accounts Administrative Fund is created as a nonappropriated trust fund in the State treasury. The State Treasurer shall use moneys in the Administrative Fund to pay for administrative expenses he or she incurs in the performance of his or her duties under this Part. The State Treasurer shall use moneys in the Administrative Fund to cover administrative expenses incurred, as provided for in Section 530. The Administrative Fund may receive any grants or other moneys designated for administrative purposes from the State, or any unit of federal, state, or local government, or any other person, firm, partnership, or corporation. Any interest earnings that are attributable to moneys in the Administrative Fund must be deposited into the Administrative Fund. Any fees established by the State Treasurer to recover the costs of administration, recordkeeping, and investment management shall be deposited into the Administrative Fund. [15 ILCS 505/16.6(b)]*

**Section 722.360 Marketing and Promotion**

The Treasurer is responsible for the marketing and promotion of the Program and may hire a third party contractor to assist with these efforts. The Treasurer shall not use the Administrative

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

Fund to cover marketing expenses associated with the Program.

**Section 722.370 Contracting States**

The Treasurer may elect to become a contracting state for the purpose of managing another state's ABLE program.

**Section 722.380 Forms**

The Treasurer may use forms provided or promulgated by the SSA, the IRS, or other federal agencies pursuant to ABLE. The Treasurer may also promulgate its own forms reasonably necessary to implement the ABLE Program.

## SUBPART D: PARTICIPATION AND ENROLLMENT IN THE PROGRAM

**Section 722.400 Eligibility**

Under section 529A(e)(1) of the Code, *an individual is an eligible individual for a taxable year if, during that taxable year:*

- a) *the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and the blindness or disability occurred before the date on which the individual attained age 26; or*
- b) *a disability certification with respect to the individual is filed with the Secretary for that taxable year.*

**Section 722.410 Designated Representative**

- a) *An account owner is authorized to act on his or her own behalf unless the account owner is a minor or the account owner has been adjudicated to have a disability so that a guardian has been appointed.*
- b) The Treasurer shall recognize a person as a designated representative if that person has been appointed by a court of competent jurisdiction, whether in Illinois or in another state.
- c) *The Treasurer shall recognize a person as a designated representative without appointment by a court in the following order of priority:*

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 1) *The account owner's plenary guardian of the estate, or the account owner's limited guardian of financial or contractual matters. Any guardian acting in this capacity shall not be required to seek court approval for any ABLÉ qualified distributions.*
- 2) *The agent named by the account owner in a property power of attorney recognized as a statutory short form power of attorney for property. The statutory short form power of attorney for property may be pursuant to the Illinois Power of Attorney Act [755 ILCS 45] or the law of the state of residence of the account owner.*
- 3) *The individual or entity that the account owner designates in writing, signed and attested in the manner prescribed by the Probate Act of 1975 [755 ILCS 5] for the execution of a will.*
- d) *A designated representative acts in a fiduciary capacity to the account owner. [15 ILCS 105/16/6(a)]*
- e) A person seeking to be recognized by the Treasurer as a designated representative shall provide sufficient evidence to the Treasurer to establish by a preponderance of the evidence that he or she qualifies as a designated representative under this Section. A copy of a valid court order naming that person as a guardian or a conservator consistent with the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act [755 ILCS 8] shall be prima facie evidence. Other forms of evidence may be submitted to establish qualification under this Section.
- f) If a designated representative is a nonresident of Illinois, the designated representative shall authorize a resident agent to accept service of process, notice or demand required or permitted by law to be served upon the designated representative in Illinois.

**Section 722.420 Enrollment Application**

- a) The application shall require the applicant to provide the following information:
  - 1) The name, address, social security number and birth date of the account owner;

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 2) The name, address and social security number of the designated representative, if the account beneficiary is not the applicant;
  - 3) Certification by the applicant that the applicant understands the maximum account value and the consequences for excess contributions and understands how values exceeding the amount designated under section 103 of ABLER may affect the applicant's resources for determining the applicant's eligibility for programs administered by the SSA;
  - 4) Any additional information needed to clarify the application when the information submitted in the application is unclear or insufficient, or when further information is required by federal regulations and/or guidance.
- b) Completed applications shall be submitted as specified on the application form.
  - c) Applications that are incomplete or fail to meet the requirements established by the Treasurer in an effort to comply with section 529A of the Internal Revenue Code or this Part shall be rejected.

## SUBPART E: ACCOUNTS, INVESTMENTS AND STATEMENTS

**Section 722.500 ABLER Accounts**

ABLE accounts are investment savings accounts into which the account beneficiary deposits funds that, in turn, are invested in marketplace-based investment options such as FDIC insured interest bearing accounts. Earnings on the investments are tax-free as long as withdrawals are used to pay qualified disability expenses. A separate account will be established for each account beneficiary.

**Section 722.510 Allocation of Investment Earnings or Losses**

Investment earnings in excess of the administrative expenses of the pool and all monies collected by the pool as penalties as a result of withdrawals that are not used to pay qualified expenses, after the payment of expenses:

- a) shall be credited or paid monthly to participants in the pool in a manner that equitably reflects:
  - 1) the differing amounts of their respective investments in the pool; and

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- 2) the differing periods of time for which those amounts were in the custody of the pool; and
- b) shall be allocated among the pool's underlying investment portfolios in a manner equitably determined by the Treasurer.

**Section 722.520 Limits on Investment and Directions**

- a) An account beneficiary under the ABLE Program shall, no more than two times in any calendar year, direct the investment of any contributions to the Program, along with any earnings on those investments.
- b) To the extent allowed under federal guidelines, the Treasurer may, from time to time, establish a default investment allocation for accounts under the Program.
- c) *The assets of ABLE accounts and their income may not be used as security for a loan. All assets of the plan, including any contributions to accounts, are held in trust for the exclusive benefit of the account owner and shall be considered spendthrift accounts exempt from all of the owner's creditors. [15 ILCS 505/16.6(d)]*

**Section 722.530 Administrative Expenses**

- a) The administrative expenses of the ABLE Program may be paid from the Administrative Fund.
- b) Administrative expenses may be paid from fees established pursuant to Section 340. The fees may be deducted from the principal and earnings of each account. Administrative expenses shall be allocated among the pool's underlying investment portfolios in an equitable manner determined by the Treasurer. Investment earnings in excess of the administrative expenses shall be allocated as provided for in Section 510.
- c) *Subject to appropriation, the State Treasurer may pay administrative costs associated with the creation and management of the plan until sufficient assets are available in the Administrative Fund for that purpose. [15 ILCS 505/16.6(b)]*
- d) The Treasurer may permit a third party service provider to provide compensation

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

to participating financial institutions or other financial services providers that promote the pool to their customers, provided that *the cost of these promotional efforts shall not be funded with fees imposed on participants by the State Treasurer.* [15 ILCS 505/16.6(b)]

- e) Investment expenses, such as the internal fees and expenses of an investment fund in which assets of the pool are invested and other similar expenses, shall not be considered administrative expenses.

**Section 722.540 Participant Statements**

Account statements shall be provided to account beneficiaries and designated representatives. The account statements may be sent via U.S. mail and/or provided electronically via website access or e-mail, as selected by the account beneficiary or designated representative. Account statements may also be provided to other individuals authorized to receive that information under the Electronic Signatures in Global and National Commerce Act (15 USC 96 et seq.) and the Truth in Lending Act (15 USC 1601 et seq.).

**Section 722.550 Conversions and Rollovers**

- a) At the direction of the Treasurer, the account administrator shall develop processes through which an account beneficiary or designated beneficiary may roll over an account from the Illinois ABLE Program to a different state's ABLE program, for either the same qualified beneficiary or an allowable new qualified beneficiary. The Illinois ABLE Program may receive rollovers from other states' ABLE programs. Rollover processes shall conform to any federal guidelines.
- b) During a conversion, the account administrator shall take all commercially reasonable steps necessary to effect an orderly transition of the relevant portions of its duties and responsibilities in a manner that provides for reasonable consideration for the best interests of the account beneficiaries, avoids the likelihood of an increase in economic loss, and avoids the likelihood of resulting liability to the Treasurer. The account administrator shall not impede or delay the orderly transfer of its duties and responsibilities.

**Section 722.560 Contributions**

- a) Any person may make contributions to an ABLE account after the account is opened, subject to the limitations imposed by section 529A(b)(2)(B) of the Code.

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- b) Annual contributions are limited to the amount excluded from the federal gift tax under federal law (26 USC 2503(b)).

**Section 722.570 Aggregate Account Balance Limits**

The ABLE Program shall provide safeguards to prevent aggregate contributions on behalf of a designated beneficiary in excess of the limit established by the State under section 529(b)(6) of the Code. The Program will not accept annual contributions that exceed the annual contribution limit in Section 722.560 and will send a notice to account beneficiaries if their accounts reach 90% of the SSI limit for ABLE accounts. For purposes of this Section, aggregate contributions include contributions under any prior qualified ABLE program of any state or agency or instrumentality of either.

## SUBPART F: WITHDRAWALS OR DISTRIBUTIONS

**Section 722.600 Qualified Withdrawals/Distributions**

A qualified withdrawal/distribution is a withdrawal or a distribution from an ABLE account to pay the qualified disability expenses of the beneficiary of the account.

**Section 722.610 Qualified Disability Expense**

Under section 529A(e)(5) of the Code, qualified disabilities expenses are expenses related to the eligible individual's blindness or disability that are made for the benefit of an eligible individual who is the designated beneficiary, including the following expenses:

- a) education;
- b) housing;
- c) transportation;
- d) employment training and support;
- e) assistive technology and personal support services;
- f) health, prevention and wellness;

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

- g) financial management and administrative services;
- h) legal fees;
- i) expenses for oversight and monitoring;
- j) funeral and burial expenses; and
- k) other expenses approved by the Secretary under federal regulations and/or guidance.

**Section 722.630 Federal Reporting Requirements**

The Program will comply with all reporting responsibilities as outlines in the federal guidelines. The Treasurer will compile or cause to be compiled the needed information to complete any reports.

## SUBPART G: MISCELLANEOUS

**Section 722.700 Death of Beneficiary**

Upon the death of the designated beneficiary, all amounts remaining in the qualified account not in excess of the amount equal to the total medical assistance paid for the designated beneficiary after the establishment of the account, net of any premiums paid from the account or paid by or on behalf of the beneficiary to a Medicaid Buy-In program under any state Medicaid plan established under title XIX of the Social Security Act, shall be distributed to the state that made the payments, upon filing of a claim for payment by that state.

**Section 722.710 Missing Persons/Abandonment**

An ABLÉ account will be presumed abandoned according to the unclaimed property law of the state of the last known address of the account beneficiary. If the last known address of the account beneficiary is in Illinois, the provisions of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025] shall apply. If there is no last known address of the account beneficiary in the records of the Treasurer, pursuant to federal common law the provisions of the Illinois Uniform Disposition of Unclaimed Property Act shall apply.

**Section 722.720 Nonassignability**

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED RULES

The contract entered into between the Treasurer and an account beneficiary under the Program, and the benefits, proceeds or payments under the Program cannot be sold, assigned, pledged, commuted, transferred or otherwise conveyed by a vendor, state agency or account beneficiary. Any attempt to assign or transfer shall not be recognized and shall impose no liability upon the Treasurer.

**Section 722.730 Website**

Information regarding the ABLE program is available on the Treasurer's website at [www.illinoistreasurer.gov](http://www.illinoistreasurer.gov) (or any successor website).

**Section 722.740 Excess/Mistaken Contributions**

To the extent allowed under federal law, if any contribution or any portion of a contribution is made to the Program because of a good faith mistake of fact, the Treasurer shall make a good faith effort to return the amount of the mistaken contribution, adjusted for any income or loss in value, if any, resulting from the good faith mistake. Tax consequences are the responsibility of the person who made the excess or mistaken contributions.

## SUBPART H: AMENDMENT OF RULES

**Section 722.800 Amendment of Rules**

Notice of any proposed substantive amendment to this Part shall be provided to all account beneficiaries and designated representatives prior to adoption. Notice may be provided by e-mail or U.S. mail. The notice need not include a full copy of the proposed amendments. However, a full copy of the proposed amendments shall be posted on the Treasurer's website ([www.illinoistreasurer.gov](http://www.illinoistreasurer.gov) (or any successor website)) and a paper copy shall be provided upon request by any interested person. Any amendment to this Part shall apply only to contributions made after the adoption of the amendment. *Amendments to this Part automatically amend the participation agreement. Any amendments to the operating procedures and policies of the plan shall automatically amend the participation agreement after adoption by the Treasurer.* [15 ILCS 505/16.6(d)]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
250.105	Amendment
250.210	Amendment
250.310	Amendment
250.2440	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rules: June 12, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 1572; February 10, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In response to public comments, the Department made the following changes:  
  
In Section 250.310(c)(1)(C), changed "quarterly" to "twice per fiscal or calendar year"  
  
In Section 250.2440(k)(10), deleted "Men and women's toilet" and reinserted "Toilet".  
  
In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 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 Hospital Licensing Requirements provide minimum requirements for hospitals' governing boards and the organization of the medical staff. This rulemaking provides for the creation of a single governing authority for two or more hospitals within a health care system and, for two or more separately licensed hospitals within a health care system, to consolidate their medical staffs into a unified medical staff. The amendments to Sections 250.210 and 250.310 provide for the operational requirements for a single governing authority and a unified medical staff. Section 250.2440 was amended to correct erroneous cross references to other Sections and cleaned up language in the Section, and Section 250.105 was amended to add a new federal regulation.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton  
Assistant General Counsel  
Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield IL 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250  
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
250.100	Definitions
250.105	Incorporated and Referenced Materials
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions (Renumbered)
250.160	Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

Section	
250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.245	Failure to Initiate Criminal Background Checks
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

- Section
- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

- Section
- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

- Section
- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

## SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

## Section

- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General
- 250.830 Classifications of Restorative and Rehabilitation Services
- 250.840 General Requirements for all Classifications
- 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
- 250.860 Medical Direction
- 250.870 Nursing Care
- 250.880 Additional Allied Health Services
- 250.890 Animal-Assisted Therapy

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

## Section

- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs
- 250.1020 Licensure
- 250.1030 Policies and Procedures
- 250.1035 Domestic Violence Standards
- 250.1040 Patient Care Units
- 250.1050 Equipment for Bedside Care
- 250.1060 Drug Services on Patient Unit
- 250.1070 Care of Patients
- 250.1075 Use of Restraints

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

## SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units

## SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

## SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records
250.1520	Reports

## SUBPART M: FOOD SERVICE

Section	
250.1610	Dietary Department Administration

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

## SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

## Section

250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

## SUBPART O: OBSTETRIC AND NEONATAL SERVICE

## Section

250.1810	Applicability of Other Provisions of this Part
250.1820	Obstetric and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Obstetric Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1845	Caesarean Birth
250.1850	Single Room Postpartum Care of Mother and Infant
250.1860	Special Programs (Repealed)
250.1870	Labor, Delivery, Recovery and Postpartum Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,  
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,  
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

## Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

## SUBPART Q: CHRONIC DISEASE HOSPITALS

Section	
250.2010	Definition
250.2020	Requirements

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section	
250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

## SUBPART S: PSYCHIATRIC SERVICES

Section	
250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

	Facility
250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

## SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of Subpart U
250.2620	Codes and Standards
250.2630	Existing General Hospital Requirements
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

## SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

## SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

250.2870	Referral
250.2880	Client Legal and Human Rights
250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154, effective June 12, 2017.

## SUBPART A: GENERAL PROVISIONS

**Section 250.105 Incorporated and Referenced Materials**

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and [Professional Association Standards](#)~~professional association standards~~:
    - A) American Society for Testing and Materials (ASTM), Standard

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See Section 250.2420.)

- B) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329: (See Section 250.2480.)
- i) ASHRAE Handbook of Fundamentals (2005)
  - ii) ASHRAE Handbook for HVAC Systems and Equipment (2004)
  - iii) ASHRAE Handbook-HVAC Applications (2003)
- C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) NFPA 101 (2000): Life Safety Code (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)
  - ii) NFPA 10 (1998): Standards for Portable Fire Extinguishers (See Section 250.1980.)
  - iii) NFPA 13 (1999): Standards for the Installation of Sprinkler Systems (See Sections 250.2490 and 250.2670.)
  - iv) NFPA 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems (See Sections 250.2490 and 250.2670.)
  - v) NFPA 25 (1998): Standard for the Inspection, Testing and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Maintenance of Water-Based Fire Protection Systems

- vi) NFPA 30 (1996): Flammable and Combustible Liquids Code (See Section 250.1980.)
- vii) NFPA 45 (1996): Standard on Fire Protection for Laboratories Using Chemicals
- viii) NFPA 54 (1999): National Fuel Gas Code
- ix) NFPA 70 (1999): National Electrical Code (See Sections 250.2440 and 250.2500.)
- x) NFPA 72 (1999): National Fire Alarm Code
- xi) NFPA 80 (1999): Standard for Fire Doors and Fire Windows (See Section 250.2450.)
- xii) NFPA 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment (See Section 250.2440.)
- xiii) NFPA 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems (See Sections 250.2480 and 250.2660.)
- xiv) NFPA 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations (See Section 250.2660.)
- xv) NFPA 99 (1999): Standard for Health Care Facilities (See Sections 250.1410, 250.1910, 250.1980, 250.2460, 250.2480, 250.2490 and 250.2660.)
- xvi) NFPA 101-A (2001): Guide on Alternative Approaches to Life Safety (See Section 250.2620.)
- xvii) NFPA 110 (1999): Standard for Emergency and Standby Power Systems

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- xviii) NFPA 220 (1999): Standard on Types of Building Construction (See Sections 250.2470 and 250.2620.)
  - xix) NFPA 221 (1997): Standard for Fire Walls and Fire Barrier Walls
  - xx) NFPA 241 (1996): Standard for Safeguarding Construction, Alteration and Demolition Operations
  - xxi) NFPA 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials (See Section 250.2480.)
  - xxii) NFPA 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, ~~Seventh~~<sup>Sixth</sup> Edition (~~2012~~<sup>2007</sup>), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264) (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, ~~Fourth~~<sup>Third</sup> Edition (~~2014~~<sup>2007</sup>), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264) (See Section 250.1820.)
- F) American Academy of Pediatrics (AAP), Red Book: Report of the Committee on Infectious Diseases, 28<sup>th</sup> Edition (2009), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007 (See Section 250.1820.)
- G) American Academy of Pediatrics and the American Heart

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Association, 2011 American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines, which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007, or at [pediatrics.aappublications.org/cgi/reprint/117/5/e1029.pdf](http://pediatrics.aappublications.org/cgi/reprint/117/5/e1029.pdf) (See Section 250.1830.)

- H) National Association of Neonatal Nurses, Position Statement #3009 Minimum RN Staffing in NICUs, which may be obtained from the National Association of Neonatal Nurses, 4700 W. Lake Ave., Glenview, Illinois 60025, or at [nann.org/pdf/08\\_3009\\_rev.pdf](http://nann.org/pdf/08_3009_rev.pdf) (See Section 250.1830.)
- I) National Council on Radiation Protection and Measurements (NCRP), Report 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095 (See Sections 250.2440 and 250.2450.)
- J) DOD Penetration Test Method MIL STD 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120 (See Section 250.2480.)
- K) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2003), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 (703-237-8100)
- L) The International Code Council, International Building Code (2000), which may be obtained from the International Code

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Council, 4051 Flossmoor Road, Country Club Hills, Illinois  
60477-5795 (See Section 250.2420.)

- M) American National Standards Institute, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American National Standards Institute, 25 West 433<sup>rd</sup> Street, 4<sup>th</sup> Floor, New York, New York 10036 (See Section 250.2420.)
  - N) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610 (See Section 250.315.)
  - O) The Joint Commission, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint Commission, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181 (See Section 250.1035.)
  - P) National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13<sup>th</sup> Street, NW, Suite 500 North, Washington DC 20005, or from [www.qualityforum.org](http://www.qualityforum.org)
- 2) Federal Government Publications:
- A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for Infection Control in Health Care Personnel, 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 (See Section 250.1100.)
  - B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

Facilities: Recommendations – Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, MS K-95, Atlanta, Georgia 30333

- C) Department of Health and Human Services, United States Public Health Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161
  - D) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333
  - E) National Center for Health Statistics and World Health Organization, Geneva, Switzerland, "International Classification of Diseases", 10<sup>th</sup> Revision, Clinical Modification (ICD-10-CM) (1990), Version for ~~2015~~2007, which can be accessed at <http://www.who.int/classifications/icd/en/>
- 3) Federal Regulations:
- A) 45 CFR 46.101, To What Does the Policy Apply? (October 1, 2014)
  - B) 45 CFR 46.103(b), Assuring Compliance with this Policy – Research Conducted or Supported by any Federal Department or Agency (October 1, 2014)
  - C) 42 CFR 482, Conditions of Participation for Hospitals (October 1, 2014)
  - D) 21 CFR, Food and Drugs (April 1, 2014)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- E) 42 CFR 489.20, Basic Commitments (October 1, 2014)
  - F) 29 CFR 1910.1030, Bloodborne Pathogens (July 1, 2014)
  - G) [42 CFR 413.65\(d\) and \(e\), Requirements for a determination that a facility or an organization has provider-based status \(October 1, 2014\)](#)
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
    - A) Hospital Licensing Act [210 ILCS 85]
    - B) Illinois Health Facilities Planning Act [20 ILCS 3960]
    - C) Medical Practice Act of 1987 [225 ILCS 60]
    - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
    - E) Pharmacy Practice Act [225 ILCS 85]
    - F) Physician Assistant Practice Act of 1987 [225 ILCS 95]
    - G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
    - H) X-ray Retention Act [210 ILCS 90]
    - I) Safety Glazing Materials Act [430 ILCS 60]
    - J) Mental Health and Developmental Disabilities Code [405 ILCS 5]
    - K) Nurse Practice Act [225 ILCS 65]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- L) Health Care Worker Background Check Act [225 ILCS 46]
- M) MRSA Screening and Reporting Act [210 ILCS 83]
- N) Hospital Report Card Act [210 ILCS 88]
- O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]
- P) Smoke Free Illinois Act [410 ILCS 82]
- Q) Health Care Surrogate Act [755 ILCS 40]
- R) Perinatal HIV Prevention Act [410 ILCS 335]
- S) Hospital Infant Feeding Act [210 ILCS 81]
- T) Medical Patient Rights Act [410 ILCS 50]
- U) Hospital Emergency Service Act [210 ILCS 80]
- V) Illinois Anatomical Gift Act [775 ILCS 50]
- W) Illinois Public Aid Code [305 ILCS 5]
- X) Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 305]
- Y) ID/DD Community Care Act [210 ILCS 47]
- Z) Specialized Mental Health Rehabilitation Act [210 ILCS 48]
- AA) Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- BB) Alternative Health Care Delivery Act [210 ILCS 3]
- CC) Gestational Surrogacy Act [750 ILCS 47]

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

DD) Code of Civil Procedure [735 ILCS 5/8-2101]

- 2) State of Illinois Administrative Rules~~administrative rules~~:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
  - B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)
  - C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
  - D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750)
  - E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
  - F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657)
  - G) Department of Public Health, Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
  - H) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696)
  - I) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
  - J) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940)
  - K) Department of Public Health, Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- L) Health Facilities and Services Review Board, Narrative and Planning Policies (77 Ill. Adm. Code 1100)
  - M) Health Facilities and Services Review Board, Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
  - N) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)
  - O) Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
  - P) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - Q) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
  - R) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
  - S) Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
  - T) Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)
- 3) Federal Statutes:
- A) Health Insurance Portability and Accountability Act of 1996 (110 USC 1936)
  - B) Emergency Medical Treatment & Labor Act (~~{42 USC 1395dd}~~)

(Source: Amended at 41 Ill. Reg. 7154, effective June 12, 2017)

## SUBPART B: ADMINISTRATION AND PLANNING

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

**Section 250.210 The Governing Board**

- a) ~~Each~~~~For each~~ hospital ~~there~~ shall ~~have~~~~be~~ a governing authority, ~~hereinafter~~ called the board, responsible for ~~the~~~~its~~ organization, management, control and operation of the hospital, including the appointment of the medical staff. For two or more hospitals within a health care system, the system board may serve as the single governing authority of each hospital (which shall be referred to as the "system board"). When this option is exercised, the system board shall be responsible for compliance with the medical staff requirements in the Act and its regulations.
- b) The board shall be ~~formally~~ organized in accordance with a written constitution and bylaws ~~that.~~~~This must~~ clearly set forth organization, duties, responsibilities, and relationships. The Department may require a copy for its files.
- c) The board shall meet regularly. Monthly meetings are recommended. Written reports of all meetings shall be ~~maintained~~~~kept~~.
- d) The board shall employ a competent executive officer or administrator and vest him or her with authority and responsibility to carry~~for carrying~~ out its policies. ~~A~~~~There shall be a~~ qualified individual shall be responsible to the administrator in matters of administration ~~and~~~~who~~ shall represent him or her during the administrator's~~his~~ absence.
- e) The board shall ensure the availability~~insure employment~~ of competent, well qualified personnel for all hospital departments in order to efficiently~~in adequate numbers to~~ carry out the functions of the hospital and meet patient care needs. The board shall also provide a mechanism for assisting employees in addressing physical and mental health problems.
- f) The board shall be responsible for the maintenance of standards of professional work in the hospital and shall require that the medical staff function competently. Clinical audits shall be performed by the medical staff and reviewed by a committee of the governing authority and the medical staff. The board shall consult directly with the individual who is responsible for the organization and conduct of the hospital's medical staff. The direct consultation shall occur at least twice per year and shall include discussion of matters related to the quality of medical care provided to the patients of the hospital. For a hospital system using a system board, the system board shall consult directly with the individual

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

responsible for the organized medical staff (or his or her designee) of each hospital within the system. Direct consultation occurs when the governing body, or a subcommittee of the governing body, meets with the leaders of the medical staffs, or their designee, either face-to-face or via a telecommunications system that permits immediate, synchronous communication.

- g) The ~~board~~Board shall ~~establish~~~~be responsible for the establishment of~~ a policy providing for the investigation of unusual incidents ~~that~~~~which~~ may occur. (Refer to Section 250.990.)
- h) Two or more separately licensed hospitals that are part of a hospital system with a system board may elect to use the option of a unified medical staff, conditioned upon acceptance by a majority vote of the medical staff members of the participating hospitals. Members who hold privileges to practice at the hospital shall vote in accordance with the medical staff bylaws. Nothing in this Section shall be construed to require a unified medical staff for any hospital.
- 1) The system board shall be responsible for the decisions of the unified medical staff and may direct the unified medical staff to consider any matter or reconsider any decision. The system board shall take final action on all medical staff matters, on behalf of the hospitals within the system that share a unified medical staff, including, but not limited to:
- A) The appointment, reappointment and delineation of clinical privileges of the medical staff;
- B) The denial or revocation of a medical staff appointment and the denial, revocation, suspension, restriction or reduction of clinical privileges;
- C) The approval of bylaws and policies; and
- D) The maintenance of standards for professional work in the hospital and the review of clinical audits, pursuant to subsection (f).
- 2) The unified medical staff shall be considered a committee of a licensed hospital for purposes of Section 8-2101 of the Code of Civil Procedure.
- 3) All of the activities of the system board shall be in compliance with the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

medical staff provisions of the Act and this Part.

- 4) If two or more hospitals within a hospital system designate a system board, each hospital in the hospital system shall still individually comply with the Act and this Part.

(Source: Amended at 41 Ill. Reg. 7154, effective June 12, 2017)

## SUBPART C: THE MEDICAL STAFF

**Section 250.310 Organization**

- a) For the purposes of this Section only:
- 1) *Adverse Decision means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.* (Section 10.4(b) of the Act)
  - 2) A Distant-site Hospital is an Illinois licensed hospital or a Medicare participating hospital.
  - 3) A Distant-site Telemedicine Entity, consisting of a group of licensed physicians, is defined as an entity that:
    - A) Provides telemedicine services;
    - B) Is not a Medicare-participating hospital; and
    - C) Provides contracted services in a manner that enables a hospital using its services to meet all applicable Medicare conditions of participation, particularly those requirements related to the credentialing and privileging of practitioners providing telemedicine services to the patients of a hospital. A distant-site telemedicine entity would include a distant-site hospital that does not participate in the Medicare program that is providing telemedicine services to a Medicare-participating hospital.
  - 4) *Economic Factor means any information or reasons for decisions unrelated to quality of care or professional competency.* (Section 10.4(b))

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

of the Act)

- 5) Non-simultaneously means that, while the telemedicine physician or practitioner still provides clinical services to the patient upon a formal request from the patient's attending physician, ~~thesesuch~~ services may involve after-the-fact interpretation of diagnostic tests in order to provide an assessment of the patient's condition and do not necessarily require the telemedicine practitioner to directly assess the patient in real time. This would be similar to the services provided by an on-site radiologist who interprets a patient's x-ray or CT scan and then communicates his or her assessment to the patient's attending physician who then bases his or her diagnosis and treatment plan on these findings.
  - 6) *Privilege means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.* (Section 10.4(b) of the Act)
  - 7) Simultaneously means that the clinical services (for example, assessment of the patient with a clinical plan for treatment, including any medical orders needed) are provided to the patient in real time by the telemedicine physician or practitioner, similar to the actions of an on-site physician or practitioner.
  - 8) Telemedicine means the provision of clinical services to patients by physicians and practitioners from a distance via electronic communications. The distant-site telemedicine physician or practitioner provides clinical services to the hospital patient either simultaneously, as is often the case with teleICU services, for example, or non-simultaneously, as may be the case with many teleradiology services.
- b) The medical staff shall be organized in accordance with written bylaws, rules and regulations approved by the governing board. The bylaws, rules and regulations shall specifically provide, but are not ~~be~~-limited to:
- 1) establishing written procedures relating to the acceptance and processing of initial applications for medical staff membership, granting and denying

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

of medical staff reappointment, and medical staff membership or clinical privileges disciplinary matters in accordance with subsection (c) for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code, or subsection ~~(e)~~ of this Section for all other hospitals. The procedures for initial applicants at any particular hospital may differ from those for current medical staff members. However, the procedures at any particular hospital shall be applied equally to each practitioner eligible for medical staff membership as defined in Section 250.150. The procedures shall provide that, *prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, the hospital shall request of the Director of the Department of Financial and Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license.* This provision shall not apply to *medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Illinois Anatomical Gift Act.* This provision shall not apply to *medical personnel who have been granted disaster privileges pursuant to the procedures and requirements established in this Section.* (Section 10.4 of the Act);

- 2) identifying divisions and departments as are warranted (as a minimum, active and consulting divisions are required);
- 3) identifying officers as are warranted;
- 4) establishing committees as are warranted to assure the responsibility for ~~such~~ functions such as pharmacy and therapeutics, infection control, utilization review, patient care evaluation, and the maintenance of complete medical records;
- 5) assuring that active medical staff meetings are held regularly, and that written minutes of all meetings are kept;
- 6) reviewing and analyzing the clinical experience of the hospital at regular intervals – the medical records of patients to be the basis for review and analysis;
- 7) identifying conditions or situations that require consultation, including consultation between medical staff members in complicated cases;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 8) examining tissue removed during operations by a qualified pathologist and requiring that the findings are made a part of the patient's medical record;
- 9) keeping completed medical records;
- 10) maintaining a Utilization Review Plan, which shall be in accordance with the Conditions of Participation for Hospitals in the Medicare Program;
- 11) establishing Medical Care Evaluation Studies;
- 12) establishing policies requiring a physician as first assistant to major or hazardous surgery, including written criteria to determine when an assistant is necessary;
- 13) assuring, through credentialing by the medical staff, that a qualified surgical assistant, whether a physician or non-physician, assists the operating surgeon in the operating room;
- 14) determining additional privileges that may be granted a staff member for the use of his/her employed allied health personnel in the hospital in accordance with policies and procedures recommended by the medical staff and approved by the governing authority. The policies and procedures shall include, at least, requirements that the staff member requesting this additional privilege shall submit the following for review and approval by the medical staff and the governing authority of the hospital:
  - A) a curriculum vitae of the identified allied health personnel, and
  - B) a written protocol with a description of the duties, assignments and functions, including a description of the manner of performance within the hospital by the allied health personnel in relationship with other hospital staff;
- 15) establishing a mechanism for assisting medical staff members in addressing physical and mental health problems;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 16) implementing a procedure for preserving medical staff credentialing files in the event of the closure of the hospital;
- 17) establishing a procedure for granting telemedicine privileges, based upon the privileging decisions of a distant-site hospital or telemedicine entity that has a written agreement that meets Medicare requirements; and
- 18) establishing a procedure for granting disaster privileges.
  - A) When the emergency management plan has been activated and the hospital is unable to handle patients' immediate needs, it shall:
    - i) identify in writing the individuals responsible for granting disaster privileges;
    - ii) describe in writing the responsibilities of the individuals granting disaster privileges. The responsible individual is not required to grant privileges to any individual and is expected to make decisions on a case-by-case basis at his or her discretion;
    - iii) describe in writing a mechanism to manage individuals who receive disaster privileges;
    - iv) include a mechanism to allow staff to readily identify individuals who receive disaster privileges;
    - v) require that medical staff address the verification process as a high priority and begin the verification process of the credentials and privileges of individuals who receive disaster privileges as soon as the immediate situation is under control.
  - B) The individual responsible for granting disaster privileges may grant disaster privileges upon presentation of any of the following:
    - i) a current picture hospital ID card;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ii) a current license to practice and a valid picture ID issued by a state, federal or regulatory agency;
  - iii) identification indicating that the individual is a member of a Disaster Medical Assistance Team (DMAT) or an Illinois Medical Emergency Response Team (IMERT);
  - iv) identification indicating that the individual has been granted authority to render patient care, treatment and services in disaster circumstances (authority having been granted by a federal, state or municipal entity); or
  - v) presentation by current hospital or medical staff members with personal knowledge regarding practitioner's identity.
- C) *Any hospital and any employees of the hospital or others involved in granting privileges who, in good faith, grant disaster privileges, pursuant to Section 10.4 of the Act, to respond to an emergency shall not, as a result of their acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of the Act.*
- D) *Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of their acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of the Act, on the part of the person, be liable for civil damages. (Section 10.4 of the Act)*
- c) If a hospital is part of a hospital system consisting of two or more separately licensed hospitals, and the system elects to have a unified, integrated medical staff for its separately licensed member hospitals, each separately licensed hospital shall permit the medical staff members of each separately licensed hospital in the system (in other words, all medical staff members who hold specific privileges to practice at that hospital) to vote, in accordance with medical staff bylaws, whether to accept a unified, integrated medical staff structure or to maintain a separate and distinct medical staff for their respective licensed hospital.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) If the medical staffs of the separately licensed hospitals vote to accept an integrated, unified medical staff structure, they shall meet the following conditions:
    - A) Adopt written bylaws, rules and requirements that describe the processes for self-governance, appointment, credentialing, privileging and oversight, as well as peer review policies and due process rights guarantees, including a process for the members of the medical staff of each separately licensed hospital to be advised of their rights to opt out of the unified and integrated medical staff structure after a majority vote by the members to maintain a separate and distinct medical staff for their hospital;
    - B) Take into account each member hospital's unique circumstances and any significant differences in patient populations and services offered in each hospital; and
    - C) Establish and implement written policies and procedures, including meetings that shall occur at least twice per fiscal or calendar year, to ensure that the needs and concerns expressed by members of the medical staffs at each separately licensed hospital, regardless of practice or location, are given due consideration, and that the unified, integrated medical staff has mechanisms in place to ensure that issues localized to particular hospitals are considered and addressed.
  - 2) The unified, integrated medical staff shall be organized in accordance with the Conditions of Participation for Hospitals related to medical staff.
  - 3) Medical staffs may vote, no more than every two years, whether to remain or discontinue as an integrated, unified medical staff.
  - 4) This subsection (c) shall not apply to hospitals that are required to have a unified, integrated medical staff under 42 CFR 413.65(d) and (e) as being a multi-campus hospital under one Medicare certification number.
- d)e) The medical staff bylaws for county hospitals as defined in Section 15-1(c) of the Illinois Public Aid Code shall include at least the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) The procedures relating to evaluating individuals for staff membership, whether the practitioners are or are not currently members of the medical staff, shall include procedures for determining qualifications and privileges; criteria for evaluating qualifications; and procedures requiring information about current health status, current license status in Illinois, and biennial review of renewed license.
- 2) Written procedures that allow the medical staff to rely upon the credentialing and privileging decisions of a distant-site hospital or telemedicine entity as an option for recommending the privileging of telemedicine physicians.
- 3) The procedure shall grant to current medical staff members at least: written notice of an adverse decision by the Governing Board; an explanation and reasons for an adverse decision; the right to examine and/or present copies of relevant information, if any, related to an adverse decision; an opportunity to appeal an adverse decision; and written notice of the decision resulting from the appeal. The procedures for providing written notice shall include timeframes for giving notice.

e)⊕ The medical staff bylaws for *all hospitals except county hospitals* shall include at least the following *provisions for granting, limiting, renewing, or denying medical staff membership and clinical staff privileges*:

- 1) *Minimum procedures for initial applicants for medical staff membership, including ~~shall include~~ the following:*
  - A) *Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership.*
  - B) *Written procedures to be followed in determining an applicant's qualifications for being granted medical staff membership and privileges.*
  - C) *Written criteria to be followed in evaluating an applicant's qualifications.*
  - D) *An evaluation of an applicant's current health status and current license status in Illinois.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- E) *A written response to each applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).*
  - F) *Written procedures that allow the medical staff to rely upon the credentialing and privileging decisions of a distant-site hospital or telemedicine entity as an option for recommending the privileging of telemedicine physicians.*
- 2) *Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:*
- A) *A written explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.*
  - B) *A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.*
    - i) *Nothing in [this](#) subsection ~~(e)~~(2)(B) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff.*
    - ii) *In the event that a hospital or the medical staff imposes a*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*summary suspension, the Medical Executive Committee, or other comparable governance committee of the medical staff as specified in the bylaws, must meet as soon as is reasonably possible to review the suspension and to recommend whether it should be affirmed, lifted, expunged, or modified if the suspended physician requests ~~asuch~~ review.*

- iii) *A summary suspension may not be implemented unless there is actual documentation or other reliable information that an immediate danger exists. This documentation or information must be available at the time the summary suspension decision is made and when the decision is reviewed by the Medical Executive Committee.*
- iv) *If the Medical Executive Committee recommends that the summary suspension should be lifted, expunged, or modified, this recommendation must be reviewed and considered by the hospital governing board, or a committee of the board, on an expedited basis.*
- v) *Nothing in this subsection ~~(e)(4)~~(2)(B) shall affect the requirement that any requested hearing must be commenced within 15 days after the summary suspension and completed without delay unless otherwise agreed to by the parties.*
- vi) *A fair hearing shall be commenced within 15 days after the suspension and completed without delay, except that, when the medical staff member's license to practice has been suspended or revoked by the Department of Financial and Professional Regulation, no hearing shall be necessary. [\(Section 10.4\(b\)\(2\)\(C\)\(i\) of the Act\)](#)*
- vii) *Nothing in [this](#) subsection ~~(e)(4)~~(2)(B) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff. [\(Section 10.4\(b\)\(2\)\(C\)\(ii\) of the Act\)](#)*

- viii) *If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under [this](#) subsection ~~(e)(4)~~(2)(B) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods. [\(Section 10.4\(b\)\(2\)\(C\)\(iii\) of the Act\)](#)*

- €) ~~*All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process*~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*~~under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving such report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of the Act.~~*

- CD) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.
- DE) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.
- EF) The right to be represented by a personal attorney.
- FG) A written notice and written explanation of the decision resulting from the hearing.
- GH) A written notice of a final adverse decision by the hospital governing board.
- HI) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under subsection (e)(2)(B)(viii) of this Section, and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care. (Section 10.4(b)(2)(D) through (G) of the Act)
- 3J) Nothing in subsection (e)(2) limits a medical staff member's right to waive, in writing, the rights provided in subsection (e)(2)(A) through (HI) upon being granted privileges to provide telemedicine services or the written exclusive right to provide particular services at a hospital, either

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

*individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract. (Section 10.4(b)(2)(H) of the Act)*

4) *All peer review used for the purpose of credentialing, privileging, disciplinary action, or other recommendations affecting medical staff membership or exercise of clinical privileges, whether relying in whole or in part on internal or external reviews, shall be conducted in accordance with the medical staff bylaws and applicable rules, regulations, or policies of the medical staff. If external review is obtained, any adverse report utilized shall be in writing and shall be made part of the internal peer review process under the bylaws. The report shall also be shared with a medical staff peer review committee and the individual under review. If the medical staff peer review committee or the individual under review prepares a written response to the report of the external peer review within 30 days after receiving the report, the governing board shall consider the response prior to the implementation of any final actions by the governing board which may affect the individual's medical staff membership or clinical privileges. Any peer review that involves willful or wanton misconduct shall be subject to civil damages as provided for under Section 10.2 of the Act. (Section 10.4(b)(2)(C-5) of the Act)*

~~53)~~ *Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. The reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. (Section 10.4(b)(3) of the Act)*

~~f)e)~~ If a hospital enters into agreement for telemedicine services with a distant-site hospital or distant-site entity, the governing body of the hospital whose patients are receiving the telemedicine services may choose, in lieu of the hospital performing the credentialing and privileging requirements, to rely upon the credentialing and privileging decisions made by the distant-site hospital when making recommendations on privileges for the individual distant-site physicians providing the services. The hospital's governing body ensures, through its written

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

agreement with the distant-site hospital, that the distant-site hospital meets the Medicare conditions of participation for credentialing and privileging of physicians. The agreement shall be in writing and shall verify:

- 1) That the distant-site hospital providing the telemedicine services is an Illinois licensed hospital or a Medicare participating hospital;
- 2) That the individual distant-site physician is privileged at the distant-site hospital that provides the telemedicine services and provides to the hospital a current list of the distant-site physician's privileges;
- 3) That the individual distant-site physician holds a license issued or recognized by the State of Illinois; and
- 4) That, if the hospital conducts an internal review of the distant-site physician's performance, it provides the distant-site hospital with the performance information for use in the distant-site hospital's periodic appraisal of the distant-site physician. At a minimum, this information shall include all adverse events that result from the telemedicine services provided by the distant-site physician to the hospital's patients and all complaints the hospital has received about the distant-site physician.

g)† The hospital's governing body shall grant privileges to each telemedicine physician providing services at the hospital under an agreement with a distant-site hospital or telemedicine entity before the telemedicine physician may provide telemedicine services. The scope of the privileges granted to the telemedicine physician shall reflect the provision of the services offered via a telecommunications system.

h)g When the hospital's governing body exercises the option to grant privileges based on its medical staff recommendations, which rely upon the privileging decisions of a distant-site telemedicine hospital or entity, the governing body may, but is not required to, maintain a separate file on each telemedicine physician. In lieu of maintaining a separate file on each telemedicine physician, the hospital may have a file on all telemedicine physicians providing services at the hospital under each agreement with a distant-site hospital or telemedicine entity, indicating which telemedicine services privileges the hospital has granted to each physician on the list. The file or files may be kept in a format determined by the hospital.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ~~i)~~ Regardless of any other categories (divisions of the medical staff) having privileges in the hospital, the hospital shall have an active staff, which shall include physicians and may also include podiatrists and dentists, properly organized, who perform all the organizational duties pertaining to the medical staff. These duties include:
- 1) Maintaining the proper quality of all medical care and treatment of inpatients and outpatients in the hospital. Proper quality of medical care and treatment includes:
    - A) availability and use of accurate diagnostic testing for the types of patients admitted;
    - B) availability and use of medical, surgical, and psychiatric treatment for patients admitted;
    - C) availability and use of consultation, diagnostic tools and treatment modalities for the care of patients admitted, including the care needed for complications that may be expected to occur; and
    - D) availability and performance of auxiliary and associate staff with documented training and experience in diagnostic and treatment modalities in use by the medical staff and documented training and experience in managing complications that may be expected to occur.
  - 2) Organization of the medical staff, including adoption of rules and regulations for its government (which require the approval of the governing body), election of its officers or recommendations to the governing body for appointment of the officers, and recommendations to the governing body upon all appointments to the staff and grants of hospital privileges.
  - 3) Other recommendations to the governing body regarding matters within the purview of the medical staff.
- ~~i)~~ The medical staff may include one or more divisions in addition to the active staff, but this in no way modifies the duties and responsibilities of the active staff.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 41 Ill. Reg. 7154, effective June 12, 2017)

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

**Section 250.2440 General Hospital Standards**

## Minimum Requirements in the General Hospital:

- a) Administration and Public Areas
  - 1) Main Entrance: Designed to accommodate persons with physical disabilities;
  - 2) Lobby: A reception and information counter or desk, waiting space, public toilet facilities, public telephones, and drinking fountain;
  - 3) Interview Space: Space for private interviews relating to social service, credit or admissions;
  - 4) General or Individual Office: Office for business transactions, medical and financial records, and administrative and professional staffs.
  - 5) Multipurpose Room: For conferences, meetings and education purposes including provision for the use of visual aids;
  - 6) Medical Library Facilities; and
  - 7) Storage Areas.
- b) Medical Records Unit. Adequate space for the reviewing, dictating, sorting, recording, and storage of medical records shall be provided.
- c) Adjunct Diagnostic and Treatment
  - 1) Laboratory Suite. Laboratory facilities shall be provided to meet the work load described in the ~~program narrative~~ Program Narrative. These may be provided within the hospital or through an effective contract arrangement with a nearby laboratory service. If laboratory services are provided by contractual arrangement, then at least the following minimum services

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

shall be available within the hospital- (~~for~~~~For~~ additional requirements, see Subpart E of this Part-);

- A) ~~A laboratory~~~~Laboratory~~ work counter with appropriate services;
  - B) ~~A lavatory~~~~Lavatory~~ or counter sink equipped for ~~hand-~~~~washing~~~~handwashing~~;
  - C) ~~A storage~~~~Storage~~ cabinet or closet;
  - D) Blood storage facilities; and
  - E) Specimen and sample collection facilities, ~~urine-~~~~Urine~~ collection rooms equipped with a water closet and lavatory, ~~and blood-~~~~Blood~~ collection facilities with space for a chair and work counter.
- 2) Morgue and Autopsy Suite
- A) ~~The morgue and autopsy suite~~~~These facilities~~ shall be accessible to an outside entrance and shall be located to avoid movement of bodies through public areas.
  - B) The following shall be provided when autopsies are performed within the hospital:
    - i) Refrigerated facilities for body holding; and
    - ii) ~~An autopsy room~~~~Autopsy Room~~. This room shall contain a work counter with sink equipped for ~~hand-~~~~washing~~~~handwashing~~; storage space for supplies, equipment and specimens; and an autopsy table.
  - C) If no autopsies are performed in the hospital, a well-ventilated body-holding room shall be provided.
- 3) Radiology Suite
- A) Facilities shall be provided for radiology purposes as required by the ~~program narrative~~~~Program Narrative~~. (For additional

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

requirements see Subpart F of this Part.)

- B) The suite shall contain the following elements:
- i) ~~A radiographic~~Radiographic room;:-
  - ii) Film processing facilities, if necessary;:-
  - iii) ~~A viewing~~Viewing and administration area;:-
  - iv) Film storage facilities, if necessary;:-
  - v) ~~A toilet~~Toilet room with hand-washing~~handwashing~~ facilities, directly accessible from each fluoroscopy room without entering the general corridor area;:-
  - vi) ~~A dressing~~Dressing area with access to toilets; and facilities for patients'~~patient's~~ belongings; and-
  - vii) ~~A waiting~~Waiting room or alcove.
- ~~C) viii)~~ Radiation protection requirements for X-ray and gamma ray installations shall conform with National Council on Radiation Protection and Measurements (NCRP), Report ~~No.~~ 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV and Report ~~No.~~ 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use). Provisions shall be made for testing the completed installation and correcting defects before use.
- ~~D) ix)~~ X-ray installations for fixed and mobile ~~X-ray~~x-ray equipment: shall~~shall~~ conform to Article~~article~~ 660, X-ray Equipment, of NFPA ~~Standard~~ 70 (~~The National Electrical Code~~).
- 4) Pharmacy Suite. The size and type of services to be provided in the pharmacy will depend upon the type of drug distribution system to be used in the hospital and whether the hospital proposes to provide, purchase, or share pharmacy services with other hospitals or other medical facilities.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

This shall be explained in the ~~program narrative~~Program Narrative. (For additional requirements see Subpart R-~~of this Part.~~) Provisions shall be made for the following:

- A) Administrative functions, ~~including~~These include requisitioning, recording and reporting, receiving, storage (including refrigeration), and accounting~~;~~
  - B) ~~A quality~~Quality control area (if bulk compounding ~~and/or~~ packaging functions are performed)~~;~~
  - C) Locked storage for drugs and biologicals~~;~~
  - D) ~~A dispensing~~Dispensing area~~; and~~.
  - E) ~~Hand-washing~~Handwashing facilities. If required by the program, provisions shall be made for the following:
    - i) A drug information area for reference materials and personnel~~; and~~.
    - ii) A sterile products area for compounding ~~of~~I.V. admixtures and other sterile dosage forms. A separate sink for ~~hand-washing~~handwashing shall be provided in this area.
- 5) Physical Therapy Suite
- A) Appropriate services may be planned and arranged for shared use by occupational therapy patients and staff.
  - B) If a physical therapy suite is required by the program narrative~~Program Narrative~~, the following shall be provided:
    - i) Office space~~;~~
    - ii) Waiting space~~;~~
    - iii) ~~A treatment~~Treatment area for ~~such~~ modalities such as

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

thermotherapy, diathermy, ultrasonics; and hydrotherapy. Cubicle curtains shall be provided around each individual treatment area. ~~Hand-washing~~Handwashing facilities shall be provided. One lavatory or sink may serve more than one cubicle;:-

- iv) Facilities for the collection of wet and soiled linen and other material; ~~shall be provided.~~
  - v) An exercise~~Exercise~~ area;:-
  - vi) Storage space for clean linen, supplies; and equipment;:-
  - vii) Patients' dressing areas and toilet rooms, for both men and women;:-
  - viii) Wheelchair and stretcher storage; and:-
  - ix) Showers, lockers and service sinks, ~~shall be provided~~ as required by the program narrative~~Program Narrative~~.
- 6) Occupational Therapy Suite
- A) Appropriate elements may be planned and arranged for shared use by physical therapy patients and staff.
  - B) If an occupational therapy suite is required by the program narrative~~Program Narrative~~, the following elements shall be provided:
    - i) Office space;
    - ii) An activities~~Activities~~ area equipped with a sink or lavatory;
    - iii) Storage space for supplies and equipment; and
    - iv) Patients' toilet rooms.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- d) Nursing Unit. The requirements in this subsection (d) do not apply to special care areas such as recovery rooms, intensive care areas and newborn care areas.
- 1) Patient Rooms
    - A) Each patient room shall be an outside room. Windows shall be provided for each patient room and shall be of a size not less than 7.5% of the square footage of the floor of the room.
    - B) Minimum room areas shall be: 100 square feet clear in one-bed rooms and 80 square feet clear per bed in multi-bed rooms (no rooms shall have more than four beds). Clear is defined as the usable dimensions of the room, excluding the vestibule, toilet areas, and closets.
    - C) A minimum of ~~3 feet~~<sup>3'-0"</sup> clear at the foot and sides of each bed shall be provided.
    - D) Each patient room shall have access to a toilet room without entering the corridor.
    - E) One toilet room shall serve not more than four beds and not more than two patient rooms.
    - F) The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from a toilet room that serves not more than two single bedrooms if each such single bedroom contains a lavatory.
    - G) Each patient shall have a wardrobe, locker, or closet that is suitable for hanging and storing personal effects.
    - H) Visual privacy shall be provided each patient bed in multi-bed rooms.
  - 2) ~~Nurses~~<sup>Nurses</sup> Service Center. The requirements in this subsection (d)(2) shall be provided either as part of a centralized cluster serving more than one nursing unit or shall be used as supportive areas within a self-contained nursing unit.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- A) A nurses' station with a work counter, storage areas, and communications equipment shall be provided.
- B) A nurses' office shall be provided.
- C) ~~Hand-washing~~Handwashing facilities convenient to both the nurses' station and the drug distribution station shall be provided.
- D) Charting facilities shall be provided for nurses and doctors, including a work counter and charting racks.
- E) A lounge and men's and women's toilet rooms for staff shall be provided.
- F) Closets or compartments for the safekeeping of coats and personal effects of nursing personnel.
- G) A multipurpose room shall be provided for conferences, demonstrations, and consultation. This room may be located outside the nursing unit, but within the hospital.
- H) Accessibility to a room for the examination and treatment of patients shall be provided. This room may be omitted if all patient rooms are single bedrooms. This room shall have a minimum floor area of 100 square feet excluding spaces for vestibules, toilet rooms (if provided), and work counters. The room shall contain a lavatory, a work counter, storage facilities, and a writing space.
- I) At least one tub or shower shall be provided for each 12 beds that do not have bathing facilities within the patients' rooms. Each tub or shower shall be in an individual room or enclosure that provides space for the private use of the bathing fixture and for drying and dressing.
- J) A nourishment station with a sink equipped for hand-~~washing~~handwashing, equipment for serving nourishment between scheduled meals, a refrigerator, storage cabinets, and units to provide ice for patient's service and treatment shall be provided.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- K) A drug distribution station shall be provided for convenient and prompt 24-hour distribution of medicine to patients. This may be from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If a medicine preparation room or unit is used, it shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. A medicine dispensing unit may be located in an alcove under direct control of the nursing or pharmacy staff.
- 3) Service Area
- A) A clean work room or a clean holding room shall be provided in each nursing unit. The clean work room shall contain a work counter, ~~hand-washing~~handwashing facilities, a nurse signal, and storage facilities. The clean holding room shall be part of a system for storage and distribution of clean and sterile supplies and materials.
- B) A separate designated area within the clean work room shall be provided for clean linen storage. If a cart system is used, the storage of the cart may be in an adjacent alcove.
- C) Parking shall be provided for stretchers and wheelchairs out of the path of normal traffic.
- D) A soiled work room or soiled holding room shall be provided. The soiled work room shall contain a clinical sink or equivalent flushing rim fixture, a nurse signal, a ~~hand-washing~~handwashing sink, a waste receptacle, and a linen receptacle. The soiled holding room shall be part of a system for the collection and disposal of soiled materials. If bed pan flushing attachments are used on every patient room toilet, a clinical sink is not required in the soiled work room, ~~but should be considered~~.
- E) Room for the storage of equipment such as I.V. stands, inhalators, mattresses, and walkers shall be provided.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- F) Space shall be provided for the storage of required emergency equipment, such as a crash cart. This equipment shall be under the direct control of the nursing staff.
- G) Sitz baths shall be provided when required by the program [narrative](#).
- 4) Isolation Room. There shall be a room or rooms as required by the [program narrative](#)~~Program Narrative~~ for the isolation of patients with known or suspected communicable diseases. Each [isolation](#) ~~such~~ room shall have an individual toilet equipped with a bedpan flushing attachment and a lavatory. Isolation rooms shall be provided with an anteroom equipped with a [hand-washing](#)~~handwashing~~ sink, trimmed with valves that can be operated without the use of hands, storage spaces for clean and soiled materials, and a space for gowning. There shall be only one patient per room. All isolation rooms shall be otherwise planned as required for a standard patient room.
- 5) Rooms for Disturbed Patients. Every hospital that does not have a psychiatric nursing unit shall provide facilities for the care of disturbed patients, usually for [a duration of](#) less than 24 hours~~duration~~. The design shall provide for close observation, and shall minimize the dangers of patient escape, suicide, or injury. This may be provided in a special care room used for multiple purposes. This room shall be located either in the [emergency unit](#)~~Emergency Unit~~ or in a private room in a [medical nursing unit](#)~~Medical Nursing Unit~~, or as otherwise provided by the [program narrative](#)~~Program Narrative~~.
- e) Intensive Care Units
- 1) A means of controlling unnecessary noise shall be provided. A means of providing temporary privacy for each patient shall be provided. Windows shall be provided so that each patient may observe the outdoor environment. Beds may be arranged so that one window may serve more than one patient.
- 2) Intensive Care Units shall provide the following:
- A) Patient Rooms. Cardiac intensive care, medical intensive care, and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

surgical intensive care patients may be housed in either single bedrooms or multi-bed rooms; however, at least one single bedroom shall be provided. All beds shall be arranged to permit visual observation by nursing staff. Patient rooms shall meet the following requirements:

- i) Clearance between beds shall be not less than ~~6 feet~~6'-0". Single bedrooms shall have a minimum area of 120 square feet and a minimum dimension of ~~10 feet~~10'-0".
- ii) Viewing panels shall be provided for nursing staff observation of patients. Curtains or other means shall be provided to cover the viewing panels when the patient requires visual privacy. Glazing in viewing panels shall be safety glass, wire glass, or clear plastic to reduce the hazard from accidental breakage, except that wire glass is required in glazed openings to corridors or passageways used as means of egress for fire safety purposes.
- iii) An I.V. solution support shall be provided for each patient so that the solution is not suspended directly over the patient.
- iv) A lavatory equipped for ~~hand-washing~~handwashing shall be provided in each private patient room. In multi-bed rooms, no fewer than one lavatory for each six beds shall be provided.
- v) A nurses' call system shall be provided. (See Section 250.2500(g).)
- vi) Each cardiac intensive care patient shall be provided with a toilet facility that is directly accessible from the bed area. The water closet shall have sufficient clearance around it to facilitate its use by patients needing assistance. Portable water closet units are permitted within patient rooms. If portable units are used, facilities for servicing and storing them shall be conveniently located to the cardiac care unit.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- B) Service Areas. The following service areas shall be located in or readily available to each Intensive Care Unit. One area may serve two or more adjacent Intensive Care Units. The size and location of each service area ~~shall~~will depend upon the number of beds to be served.
- i) A nurses' station shall be located to permit monitoring or visual observation of each patient served.
  - ii) ~~Hand-washing~~Handwashing facilities shall be convenient to the nurses' station and drug distribution station.
  - iii) Charting facilities shall be furnished with work counters and charting racks.
  - iv) A staff toilet room shall contain a water closet and a lavatory equipped for ~~hand-washing~~handwashing.
  - v) Closets or compartments for the safekeeping of coats and personal effects of nursing personnel shall be provided at or near the nurses' station.
  - vi) A clean work room (or a system for storage and distribution of clean and sterile supply materials) shall contain a work counter, ~~a hand-washing~~handwashing facility, and storage facilities.
  - vii) ~~The soiled~~Soiled work room or soiled holding room shall contain a clinical sink or equivalent flushing rim fixture, sink equipped for ~~hand-washing~~handwashing, work counter, waste receptacle, and linen receptacle. A soiled holding room shall be part of a system for collection and disposal of soiled materials and shall be similar to the soiled work room except that the clinical sink and work counter may be omitted.
  - viii) Facilities for washing or flushing bedpans shall be provided within the unit.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ix) A drug distribution station shall be provided for convenient and prompt 24-hour distribution of medicine to patients either from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If used, a medicine preparation room or unit shall be under the nursing staff's visual control and shall contain a work counter, a sink, refrigerator, and locked storage for biologicals and drugs. A medicine dispensing unit may be located at the nurses' station, in the clean work room, or in an alcove or other space under direct control of the nursing or pharmacy staff.
  - x) Clean Linen Storage. A storage closet or a designated area within the clean work room shall be provided. If a closed cart system is used, storage may be in an alcove.
  - xi) A nourishment station shall contain a sink equipped for hand-washing~~handwashing~~, equipment for serving nourishment between scheduled meals, refrigerator, storage cabinets, and units to provide ice for patients'~~patient's~~ service and treatment.
  - xii) Emergency Equipment Storage. Space shall be provided for a "crash cart" and similar emergency equipment.
  - xiii) Equipment Storage Room. Space for necessary equipment shall be provided.
  - xiv) Patients' storage facilities shall be provided for the storage of patients' personal effects. These may be located outside the intensive care unit.
- C) A waiting room shall be provided for family members and others who may be permitted to visit the intensive care patients. A toilet room, public telephone, and seating accommodations for long waiting periods shall be provided.
- f) Pediatric Nursing Unit. Young children and adolescents shall be housed in a nursing unit separate from adults unless special allowance has been made in the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

~~program narrative~~Program Narrative. This unit shall meet the following requirements:

- 1) General Unit Requirements Including Patient Rooms. The requirements noted in subsection (d) of this Section shall be applied to a pediatric and adolescent nursing unit~~Pediatric and Adolescent Nursing Unit~~ containing hospital beds, youth beds, or cribs.
- 2) Nursery as Specified~~specified~~ in the Program Narrative. Each nursery serving pediatric patients shall contain no more than eight bassinets. The minimum clear floor area per bassinet shall be 40 square feet. Each room shall contain a lavatory equipped for hand-washing~~handwashing~~, a nurses' emergency calling system as provided in Section 250.2500(g), and glazed viewing windows for observing infants from public areas and the work room.
- 3) Nursery Work Rooms~~work rooms~~ as Specified~~specified~~ in the Program Narrative. Each nursery shall be served by a connecting work room. One work room may serve more than one nursery. It shall contain gowning facilities for staff and housekeeping personnel.
- 4) Examination and Treatment Room. The examination and treatment room shall contain a work counter, storage facilities, and a lavatory equipped for hand-washing~~handwashing~~.
- 5) Service Areas. The service areas in the pediatric and adolescent nursing unit~~Pediatric and Adolescent Nursing Unit~~ shall conform to the conditions listed in subsection (d)(3) ~~of this Section~~ and shall meet the following additional conditions:
  - A) Multipurpose or individual areas shall be provided for dining, educational, and play, or other patient care purposes.
  - B) Space for preparation or storage of infant formula shall be provided in the unit or in a convenient location nearby.
  - C) Patients' toilet rooms shall be provided convenient to multipurpose areas and central bathing facilities.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- D) Storage closets or cabinets for toys and for educational and recreational equipment shall be provided.
  - E) Storage space shall be provided for replacement of youth and adult beds to provide flexibility for interchange of patient accommodations.
- 6) Fixtures and Accessories
- A) Attention shall be given to other details affecting small children as required by the program.
  - B) Switches and plugs for critical equipment shall be designed to preclude shock ~~and/or~~ located for inaccessibility by small children.
  - C) Toilets and washbasins shall be suitable for use by small children as described in the program narrative.
- g) Psychiatric Nursing Unit
- 1) Units intended for psychiatric or other types of disturbed patient nursing care shall provide a safe and secure facility for patients needing close supervision to minimize hiding, escape, injury, or suicide. The unit shall be designed to facilitate care of ambulatory inpatients, to permit flexibility in arranging various types of therapy, and to present as non-institutional~~noninstitutional~~ an atmosphere as possible.
  - 2) Each nursing unit ~~Nursing Unit~~ shall provide the following:
    - A) Patient Rooms and Nurses' Service Center. The requirements noted in subsection (d) ~~of this Section~~ shall be applied to patient rooms and nurses'~~nurses~~ service center in psychiatric nursing units~~Psychiatric Nursing Units~~ except as follows:
      - i) A nurses' calling system is not required. Other types of communications systems may be utilized.
      - ii) Provision for visual privacy is not required.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- B) Service Areas. The service areas noted in subsection (d)(3) ~~of this Section~~ shall be provided or made available to each Psychiatric Nursing Unit except that space for stretchers and wheelchairs is not required and clinical sinks or equivalent may be installed but are not required. The following elements shall be provided within and for the exclusive use of the unit:
- i) Consultation room.
  - ii) Space for dining, recreation, and occupational therapy. The total area for these purposes shall not be less than 40 square feet per patient.
  - iii) Storage closets or cabinets for recreational and occupational therapy equipment.
  - iv) Storage for patients' clothing.
- C) Additional Services. Appropriate additional services shall be provided as determined by the ~~program narrative~~ Program Narrative.
- h) Newborn Care Unit. Newborn infants shall be housed in nurseries that are conveniently located to the postpartum nursing unit and obstetrical facilities. The nurseries shall be located and arranged to preclude unrelated traffic. No nursery shall open directly into another nursery. ~~The requirements of Subpart O of this Part shall apply. Additionally The units shall meet the following requirements:~~
- 1) ~~General.~~ Each nursery shall contain:
    - A) Lavatory trimmed with valves that are aseptically operated (for example, i.e., knee or foot controls) at the rate of one for each eight bassinets.
    - B) A nurses' emergency calling system.
    - C) Bassinets in a number at least equal to the number of postpartum beds.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- D) Glazed observation windows to permit the viewing of infants from public areas and from work rooms.
- 2) Full-Term Nursery. The full-term nursery~~It~~ shall contain no more than 12 bassinets; however, this number may be increased to 16 if the extra bassinets are of the isolation type. The minimum floor area shall be 30 square feet for each regular bassinet and 40 square feet for each isolation type bassinet. When a "rooming-in" program is used, the total number of bassinets provided in these units may be ~~appropriately~~ reduced by no more than 50%, but the full-term nursery ~~shall~~may not be omitted.
- 3) Special Care and Observation Nursery
- A) A hospital shall make available a nursery to provide special care for infants in distress ~~if the hospital has~~is required in a hospital having 25 or more maternity beds, unless equivalent facilities for ~~thesesuch~~ infants are conveniently available elsewhere. The floor area per bassinet shall be as determined by the program narrative but shall not be not less than 40 square feet. Additional area shall be provided to accommodate work room functions if these are located within the nursery area.
- B) ~~When~~Where a separate special care nursery is provided, it shall have its own work room areas.
- 4) Work Room. Each nursery shall be served by a connecting work room. It shall contain gowning facilities at the entrance for staff and housekeeping personnel, work space with counter, refrigerator, and lavatory or sink equipped for ~~hand-washing~~handwashing, and storage. One work room may serve more than one nursery. The work room that serves the special care nursery may be omitted if equivalent work area and facilities are provided within the nursery, in which case the gowning facilities shall be located near the entrance to the nursery and shall be separated from the work area.
- 5) Examination and Treatment Room or Space for Infants. The examination and treatment room or space for infants~~It~~ shall contain a work counter, storage, and lavatory equipped for ~~hand-washing~~handwashing trimmed

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

with valves that are aseptically operated (~~for example i.e.~~, knee or foot controls), and shall be located so that doctors need not enter nurseries. It may serve more than one nursery and may be located in the work room. If the examination and treatment of infants will take place in the individual bassinets, space for physicians' and nurses' gowning shall be provided as well as a conveniently accessible ~~hand-washing~~ ~~handwashing~~ sink trimmed with valves that are aseptically operated (~~for example i.e.~~, knee or foot controls).

- 6) Infant Formula Facilities. ~~When~~ ~~Where~~ the ~~program narrative~~ ~~Program Narrative~~ requires it, the hospital shall provide the following:
- A) On-site Formula Preparation
- i) Clean-up facilities for washing and sterilizing supplies. These shall consist of a lavatory or sink equipped for ~~hand-washing~~ ~~handwashing~~, a bottle washer, work counter space, and an equipment sterilizer.
- ii) A separate room for preparing infant formula. It shall contain a lavatory or sink equipped for ~~hand-washing~~ ~~handwashing~~, refrigerator, work counter, formula sterilizer, and storage facilities. It may be located near the nurseries or at another appropriate place within the hospital. ~~Direct~~ ~~No direct~~ access from the formula room to a nursery or to a nursery work room ~~shall not~~ ~~will~~ be permitted.
- B) Commercially Prepared Formula. If a commercial infant formula is used, the storage and handling may be done in the nursery work room or in another appropriate room that has a work counter, a sink equipped for ~~hand-washing~~ ~~handwashing~~, and storage facilities.
- 7) Janitors' Closet. A closet for exclusive use of the housekeeping staff in maintaining the nursery unit shall be provided. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 8) Gowning and Scrubbing Areas. Gowning and scrub areas shall be equipped with lockers for doctors' and nurses' belongings, cabinets for clean gowning, receptacles for used gowns, and hand-washing sinks aseptically operated without the use of hands.
  - 9) Clean Utility Area. Clean utility area with work counter and hand-washing sink shall be provided.
  - 10) Soiled Utility Area. Soiled utility area with work counter, hand-washing sink, clinical service sink or equivalent flushing rim fixture, and space for storage hamper (one for diapers and one for soiled linen provided at a ratio of one for each four bassinets or fraction thereof) shall be provided.
  - 11) Storage Areas. Storage space for replacement bassinets, phototherapy units, and other large items shall be provided. These storage areas may be located either within the unit or in the central supplies storage.
- i) Surgical Suite. The number of operating rooms and recovery beds and the sizes of the service areas shall be based on the expected surgical work load. The surgical suite shall be located and arranged to preclude unrelated traffic through the suite. The requirements of Section 250.1300250.1820(h) of this Part shall be used for the surgical suite wherever applicable. The suite shall provide the following elements:
- 1) General Operating Rooms. Each room shall have a minimum clear area of 360 square feet exclusive of fixed cabinets and shelves. The minimum dimension shall be 18 feet18'-0". A communications system shall be provided connecting with the surgical suite control station. At least two x-ray film illuminators shall be provided in each room.
  - 2) Rooms for Surgical Cystoscopic and Other Endoscopic Procedures. These rooms shall have a minimum clear area of 250 square feet exclusive of fixed cabinets and shelves. If necessary to accommodate special functions in one or more of these rooms, additional clear space shall be required by the program narrative ~~Program Narrative to accommodate special functions in one or more of these rooms.~~ A communications system connecting with the surgical suite control station shall be provided. Facilities for the disposal of liquid wastes shall be provided.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 3) Fracture Rooms. Fracture rooms ~~shall~~should be provided with an adjacent splint room. The fracture room may be located in the ~~emergency department~~Emergency Department, the surgical suite, or as indicated in the ~~program narrative~~Program Narrative.
- 4) Recovery Room. The recovery room may be part of an approved combined surgical/obstetrical program as provided in Section ~~250.1300~~250.1820(h) of this Part.
  - A) The postoperative recovery room shall be located within or adjacent to the surgical suite. A separate entrance and exit doors remote from each other shall be provided to facilitate a one-way traffic flow within the recovery room.
  - B) A minimum of one recovery room bed shall be provided for each operating room.
  - C) A minimum of 70 square feet per bed shall be provided in open units. This area shall exclude the nursing station, work space, and storage area. In addition, a minimum of ~~4 feet~~4'-0" ~~shall~~must be maintained between the sides of the beds, at least ~~3 feet~~3'-0" between the side of any bed and any wall or other fixed device, and at least ~~six~~6 feet between the foot end of any bed and any other equipment or fixed device.
  - D) The ~~recovery room~~Recovery Room shall have adequate lighting ~~of the type~~ to allow accurate observation of the patients.
  - E) A lavatory trimmed with valves operated without the use of hands, and a clinical sink, shall be provided.
  - F) A soiled holding area shall be provided.
  - G) A nursing station shall be provided within the postoperative recovery room. Facilities for medical storage and preparation shall be provided.
  - H) Adequate storage and work space within or adjacent to the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

recovery room shall be available for necessary supplies and equipment.

- D) Each bed site shall be adequately equipped with oxygen, suction and at least two duplex electrical outlets.
- 5) Stage II Recovery Room. If outpatient surgery services are provided in the surgical suite, a Stage II recovery room shall be provided for outpatient observation prior to discharge. The Stage II recovery area may be combined with an outpatient receiving and preparation area and may be located at a site remote from the recovery room. Additionally, it and shall contain the following elements:
- A) ~~The Stage II recovery area may be combined with an outpatient receiving and preparation area, and may be located at a site remote from the recovery room;~~
- A)B) A minimum of four recovery stations per operating room;
- B)C) ~~Lounge chairs at each recovery station with~~The recovery stations are to be furnished with lounge chairs and are to have a minimum clear area of 50 square feet and with a minimum clearance around three sides of the chairs of 4 feet4'-0";
- C)D) A nurses' station with a work counter and space for communications equipment and charting;
- D)E) A drug distribution station with a work counter, locked storage for narcotics, refrigerator, and hand-washinghandwashing sink;
- E)F) A toilet space for the exclusive use of the Stage II recovery area. The toilet shall be equipped with a gray diverter valve; and
- F)G) Clean and soiled utility rooms.
- 6) Service Areas. Individual rooms shall be provided, or when so noted; ~~otherwise~~ alcoves or other open spaces that will not interfere with traffic may be used. Services may be shared with, and organized as part of, the obstetrical facilities, if the approved program narrativeProgram Narrative

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

reflects this sharing concept. ~~Cross-circulation~~ ~~There shall be no cross-circulation~~ between the surgical and delivery suites when using shared service areas shall not be permitted. The following services shall be provided:

- A) ~~A control~~ Control station located to permit direct visual surveillance of all traffic that enters the operating suite;:-
- B) ~~A supervisor's~~ Supervisor's office or station;:-
- C) Sterilizing facilities with high speed autoclaves conveniently located to serve all operating rooms. When the program narrative ~~Program Narrative~~ indicates that adequate provisions have been made for replacement of sterile instruments during surgery, sterilizing facilities in the surgical suite will not be required;:-
- D) ~~A drug distribution station~~ Drug Distribution Station. An area shall be provided for preparation of medication to be administered to patients;:-
- E) Two scrub stations, ~~shall be~~ conveniently located near each operating room. Scrub facilities shall be arranged to minimize any incidental splatter on nearby personnel or supply carts. A scrub sink or sinks shall be provided that shall, ~~which may~~ be aseptically operated without the use of hands;:- (~~wrist~~ Wrist blades are not acceptable);:-
- F) A soiled work room ~~shall be provided~~ for the exclusive use of the surgical suite staff (or a soiled holding room that is part of a system for the collection and disposal of soiled materials). The soiled work room shall contain a clinical sink or equivalent flushing type fixture, work counter, sink equipped for hand- ~~washing~~ handwashing, waste receptacle, and linen receptacle. A soiled holding room shall be similar to the soiled work room except that the clinical sink and work counter may be omitted;:-
- G) Fluid waste disposal facilities. These shall be conveniently located with respect to the general operating rooms. A clinical sink or equivalent equipment in a soiled work room or in a soiled holding

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

room ~~meets~~would meet this requirement~~;~~:

- H) ~~A clean~~ Clean work room or a clean supply room. A clean work room is required when clean materials are assembled within the surgical suite prior to use. A clean work room shall contain a work counter, a sink equipped for ~~hand-washing~~handwashing, and space for clean and sterile supplies. A clean supply room shall be provided when the ~~program narrative~~Program Narrative defines a system for the storage and distribution of clean and sterile supplies that would not require the use of a clean work room~~;~~:
- I) ~~Anesthesia storage facilities~~Storage Facilities. ~~The use and storage of anesthetic gases shall be in accordance with NFPA 99. Areas for cleaning, testing and storing anesthesia equipment shall be provided;~~Unless the Program Narrative and the official hospital board action prohibits in writing the use of flammable anesthetics, a separate room shall be provided for storage of flammable gases in accordance with the requirements detailed in The National Fire Protection Association Standards 56A (Inhalation Anesthetics) and 56F (Nonflammable Medical Gases).
- J) ~~An anesthesia~~Anesthesia work room for cleaning, testing, and storing anesthesia equipment. It shall contain a work counter and sink~~;~~:
- K) ~~Medical gas storage~~Gas Storage. Space for reserve storage of nitrous oxide and oxygen cylinders shall be provided~~;~~:
- L) Storage space for splints and traction equipment ~~shall be provided~~ for operating rooms equipped for orthopedic surgery~~;~~:
- M) Equipment storage rooms for equipment and supplies used in ~~the surgical suite;~~Surgical Suite.
- N) Staff ~~clothing change areas, including appropriate~~Clothing Change Areas. ~~Appropriate areas shall be provided~~ for male and female personnel (orderlies, technicians, nurses, and doctors) working within the surgical suite. The areas shall contain lockers, showers, toilets, lavatories and space for donning scrub suits and boots.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

These areas shall be arranged to provide a one-way traffic pattern so that personnel entering from outside the surgical suite can change, shower, gown, and move directly into the surgical suite. Space for removal of scrub suits and boots shall be designed so that personnel using it will avoid physical contact with clean personnel.

- O) Outpatient ~~surgery change areas~~Surgery Change Areas. If the program requires outpatient surgery, a separate area shall be provided where outpatients change from street clothing into hospital gowns and are prepared for surgery. This shall include a waiting room, lockers, toilets, and clothing change or gowning area with a traffic pattern similar to that of the staff clothing change area.
- P) Patients' ~~holding area~~Holding Area. In facilities with two or more operating rooms, a room or alcove shall be provided to accommodate stretcher patients waiting for surgery. This waiting area shall be under control of the surgical suite control station.
- Q) Stretcher ~~storage area~~Storage Area. This area shall be out of the direct line of traffic.
- R) Lounge and ~~toilet facilities~~Toilet Facilities for ~~surgical staff~~Surgical Staff. These facilities shall be provided in hospitals having three or more operating rooms and shall be located to permit use without leaving the surgical suite. A nurses' toilet room shall be provided near the recovery room; ~~and~~.
- S) Janitors' ~~closet~~Closet. A closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided exclusively for the surgical suite.
- 7) Central Sterilizing and Supply Room. The central sterile supplies shall be located either within the surgical suite or provided as a separate department within the hospital. The following shall be provided:
  - A) A receiving and clean-up room containing work space and equipment for cleaning medical and surgical equipment, and for

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- disposal or processing of unclean material. ~~Hand-~~  
~~washing~~Handwashing facilities operated without the use of hands shall be provided;:-
- B) A clean work room containing work space and equipment for sterilizing medical and surgical equipment and supplies;:-
- C) Storage areas for clean supplies and for sterile supplies (these may be in the clean work room);:-
- D) Unsterile ~~supplies storage room~~Supplies Storage Room (this may be located in another department);:-
- E) Separate storage area for soiled~~Soiled~~ or contaminated supplies and equipment, ~~separate must be separated~~ from the clean or sterilized supplies and equipment; and-
- F) Cart ~~storage areas~~Storage Areas. Cart storage areas and facilities for cleaning and sanitizing carts may be centralized or departmentalized.
- G) ~~Facilities for cleaning and sanitizing carts may be centralized or departmentalized.~~
- j) Obstetrics and Neonatal Suite. The number of delivery rooms, labor rooms and, recovery beds, and the sizes of the service areas shall depend upon the estimated obstetrical work load; and ~~as indicated in the~~ program narrative~~Program Narrative~~. The obstetrical and neonatal suite shall be located and arranged to preclude unrelated traffic through the suite. The requirements of Subpart O ~~of this Part~~ shall apply.
- 1) Delivery Rooms. Each ~~delivery room~~Delivery Room shall have a minimum clear area of 300 square feet exclusive of fixed and movable cabinets and shelves. The minimum dimension shall be ~~16 feet~~16'-0" clear. The communications system shall be connected with the obstetrical suite control station. Separate resuscitation facilities (electrical outlets, oxygen, suction, and compressed air) shall be provided for newborn infants.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) Labor Rooms. These rooms shall be single or two-bed rooms with a minimum clear area of 80 square feet per bed. Labor beds shall be provided at the rate of two for each delivery room. In facilities having only one delivery room, two labor rooms shall be provided, one of which shall be large enough to function as an emergency delivery room. Each labor room shall contain a lavatory equipped for ~~hand-~~  
~~washing~~~~handwashing~~. Labor rooms shall be arranged so that they are accessible from a nurses' work station and shall also be accessible to facilities for medication, ~~hand-washing~~~~handwashing~~, charting, and storage for supplies and equipment.
- 3) Recovery Room. The recovery room may be part of an approved combined surgical/obstetrical program as provided in Section 250.1820~~(g)(h) of this Part~~.
  - A) The postpartum recovery room shall be located within or adjacent to the obstetrics ~~and neonatal~~ suite. A separate entrance and exit doors remote from each other shall be provided to facilitate a one-way traffic flow within the recovery room.
  - B) A minimum of 70 square feet per bed shall be provided. This area shall exclude the ~~nurses' nursing~~ station, work space, and storage area. In addition, a minimum ~~of 4 feet shall~~~~4'-0" must~~ be maintained between the sides of the beds, at least ~~3 feet~~~~3'-0"~~ between the side of any bed and any wall or other fixed device, and at least ~~6 feet~~~~6'-0"~~ between the foot end of any bed and any other equipment or fixed device.
  - C) The recovery room shall have adequate lighting of the type to allow accurate observation of the patients.
  - D) A lavatory operable without the use of hands, and a clinical sink shall be provided.
  - E) A soiled holding area shall be provided.
  - F) A ~~nurses' nursing~~ station shall be provided within the postoperative recovery room. Facilities for medical storage and preparation shall be provided.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- G) Adequate storage and work space within or adjacent to the ~~recovery room~~Recovery Room shall be available for necessary supplies and equipment.
- H) Each bed site shall be adequately equipped with oxygen, suction and at least two duplex electrical outlets.
- 4) Service Areas. Individual rooms shall be provided, ~~or when so noted;~~ ~~otherwise~~ alcoves or other open spaces that will not interfere with traffic may be used. Services may be shared with and organized as part of the surgical facilities if the approved ~~program narrative~~Program Narrative reflects this sharing concept. Service areas shall be arranged to avoid direct traffic between the operating and the delivery rooms. The following services shall be provided:
- A) Control ~~station;~~Station located to permit direct visual surveillance of all traffic that enters the obstetrics suite~~;~~
- B) Supervisor's ~~office~~Office or ~~station;~~Station.
- C) Sterilizing facilities with high speed autoclaves conveniently located to serve all delivery rooms. When the ~~program narrative~~Program Narrative indicates that adequate provisions have been made for replacement of sterile instruments during delivery, sterilizing facilities in the delivery suite will not be required~~;~~
- D) Drug ~~distribution station~~Distribution Station. An area shall be provided for preparation of medication to be administered to patients~~;~~
- E) Two scrub stations, which shall be conveniently located near each delivery room. Scrub facilities shall be arranged to minimize any incidental splatter on nearby personnel or supply carts. Scrub sinks, ~~that may be~~ aseptically operated without the use of hands, shall be provided. ~~(wrist~~Wrist blades are not acceptable~~);~~
- F) Soiled work room for the exclusive use of the obstetrical suite staff (or a soiled room that is part of a system for the collection and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

disposal of soiled materials). The soiled work room shall contain a clinical sink or equivalent flushing rim fixture, work counter, sink equipped for ~~hand-washing~~handwashing, waste receptacle, and linen receptacle. A soiled holding room shall be similar to the soiled work room except that the clinical sink and work counter may be omitted;

- G) Fluid ~~waste disposal facilities~~Waste Disposal Facilities. These shall be conveniently located with respect to the delivery rooms. A clinical sink or equivalent flushing rim equipment in a soiled work room or in a soiled holding room would meet this requirement;
- H) Clean ~~work room~~Work Room or a ~~clean supply room~~Clean Supply Room. A clean work room is required when clean materials are assembled within the obstetrical suite prior to use. A clean work room shall contain a work counter, a sink equipped for ~~hand-washing~~handwashing, and space for clean and sterile supplies. A clean supply room shall be provided when the ~~program narrative~~Program Narrative defines a system for the storage and distribution of clean and sterile supplies that would not require the use of a clean work room;
- I) Anesthesia ~~storage facilities~~Storage Facilities. The use and storage of anesthetic gases shall be in accordance with NFPA 99. Areas for cleaning, testing and storing anesthesia equipment shall be provided;~~Unless the Program Narrative and the official hospital board action prohibit in writing the use of flammable anesthetics, a separate room shall be provided for storage of flammable gases in accordance with the requirements detailed in the National Fire Protection Association Standards 56A (Inhalation Anesthetics) and 56F (Nonflammable Medical Gases).~~
- J) Anesthesia work room for cleaning, testing, and storing anesthesia equipment, containing a work counter and sink;
- K) Medical ~~gas storage~~Gas Storage. Space for reserve storage of nitrous oxide and oxygen cylinders shall be provided;
- L) Equipment storage rooms for equipment and supplies used in the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

obstetrical suite;-

- M) Staff ~~clothing change areas~~Clothing Change Areas. Appropriate areas shall be provided for male and female personnel (orderlies, technicians, nurses, and doctors) working within the obstetrical suite. The areas shall contain lockers, showers, toilets, lavatories equipped for ~~hand-washing~~handwashing and space for donning scrub suits and boots. These areas shall be arranged to provide a one-way traffic pattern so that personnel entering from outside the obstetrical suite can change, shower, gown, and move directly into the obstetrical suite. Space for removal of scrub suits and boots shall be designed so that personnel ~~using it~~ will avoid physical contact with clean personnel;-
- N) Stretcher ~~storage area~~Storage Area. This area shall be out of the direct line of traffic;-
- O) Lounge and ~~toilet facilities~~Toilet Facilities for ~~obstetrics staff~~Obstetrics Staff. These facilities shall be provided in hospitals having three or more delivery rooms and shall be located to permit use without leaving the obstetrics suite. A nurses' toilet room shall be provided near the recovery rooms; ~~and~~-
- P) Janitors' ~~closet~~Closet. A closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided exclusively for the obstetrical suite.
- k) Emergency Suite. Facilities for emergency care shall be provided in each hospital. The extent of the emergency services to be provided in the hospital will depend upon community needs and availability of other organized programs for emergency services within the community. Hospitals having a program narrative~~Program Narrative~~ calling for a minimum level of emergency services shall provide at least the facilities indicated in subsections (k)(1), (k)(4), and (k)(10) ~~of this Section~~ with back-up facilities within the hospital capable of furnishing the necessary support for facilities not provided in the emergency suite. Other hospitals shall provide all of the following to the degree called for in the program narrative~~Program Narrative~~:
- 1) An entrance at grade level, sheltered from the weather with provision for

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

ambulance and pedestrian access;

- 2) A reception and control area conveniently located near the entrance, waiting area and treatment rooms;
  - 3) Public waiting space with men's and women's toilet facilities, public telephone, and drinking fountain;
  - 4) Treatment ~~area~~Area. The treatment area shall contain hand-washing~~handwashing~~ facilities trimmed with valves that are aseptically operated (for example~~i.e.~~, knee or foot controls), general storage cabinets, medication cabinets, work counters, medical suction outlets, x-ray film illuminators as necessary, and space for storage of emergency equipment such as defibrillators, cardiac monitors, and resuscitators;
  - 5) A holding area adjacent to the treatment rooms, ~~shall be provided as required by the~~ program narrative~~Program Narrative~~.
  - 6) A storage area, out of the line of traffic, for stretchers and wheelchairs;
  - 7) Staff work ~~Staff's Work~~ and charting areas~~Charting Areas~~. This may be combined with the reception and control area or located within the treatment area;
  - 8) Clean supply storage, which may be separate or located within the treatment area;
  - 9) Soiled work room or area containing a clinical sink, work counter, and sink equipped for hand-washing~~handwashing~~, waste receptacle, and linen receptacle; and.
  - 10) Toilet facilities convenient to the treatment area ~~shall be provided~~.
- 1) Outpatient Department
    - 1) The outpatient department, if provided, should be located on an easily accessible floor convenient to the radiology, pharmacy, and laboratory departments.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) Size will vary in different locations with the availability of other examination and diagnostic facilities, and is not necessarily proportionate to the size of the hospital. The estimated patient load ~~shall~~will determine the number, size and scope of individual facilities in the outpatient department.
- 3) ~~Required facilities include~~Recommended Facilities Include:
  - A) Waiting room with men's and women's public toilets;
  - B) Information, appointments and records;
  - C) Medical social services;
  - D) Examination rooms;
  - E) Dressing booths;
  - F) Utility rooms;
  - G) Storage room; and
  - H) Janitors' closet.
- m) Service Departments
  - 1) Dietary ~~Facilities~~ facilities
    - A) General. Construction, equipment, and installation shall comply with the standards specified in the Department's Food Service Sanitation Code (~~77 Ill. Adm. Code 750~~), and the "Food Service Sanitation Manual," P.H.S. ~~No.~~ 93. Food service facilities shall be designed and equipped to meet the requirements of the program narrative~~Program Narrative~~. These may consist of an on-site conventional food preparing system, a convenience food service system, or an appropriate combination of the two.
    - B) Functional Elements. The following facilities shall be provided as required to implement the type of food service selected:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- i) Control Station. For receiving food supplies;
- ii) Storage Space. Adequate to provide normal and emergency supply needs, including food requiring cold storage and day storage;
- iii) Food Preparation Facilities. Conventional food preparation systems require space and equipment for preparing, cooking, and baking. Convenience food service systems, such as frozen prepared meals, bulk packaged entrees, and individual packaged portions, or systems using contractual commissary service, require space and equipment for thawing, portioning, heating, cooking ~~and, and/or~~ baking;
- iv) ~~Hand-washing~~Handwashing Facilities. Located in the food preparation area;
- v) Patients' Meal Service Facilities. Examples are those required for tray assembly and distribution;
- vi) Dining Space. For ambulatory patients, staff and visitors;
- vii) Ware-Washing Space. Located in a room or an alcove separate from food preparation and serving areas. Commercial-type dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, and stacking soiled tableware and for transferring clean tableware to the using areas. A ~~hand-washing~~handwashing lavatory shall be conveniently available;
- viii) Pot-Washing Facilities;
- ix) Storage Areas. For cans, carts, and mobile tray conveyors;
- x) Waste Storage Facilities. Located in a separate room easily accessible to the outside for direct pickup or disposal;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- x) Offices or Desk Spaces. For dietitians ~~and/or~~ the dietary service manager;:-
  - xii) Men's and Women's Toilets Accessible ~~accessible~~ to the Dietary Staff ~~dietary staff~~. Hand-washing ~~Handwashing~~ facilities shall be immediately available;:-
  - xiii) Janitors' Closet. Located within the dietary department. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies;:-
  - xiv) Self-dispensing Ice-making Facilities ~~ice-making facilities~~; and:-
  - xv) Adequate Can, Cart ~~can, cart~~ and Mobile Tray Washing Facilities ~~mobile tray washing facilities shall be provided~~.
- 2) Central Stores. The following shall be provided:
- A) Off-street unloading facilities;:-
  - B) Receiving area;:-
  - C) General storage rooms ~~Storage Rooms~~. These facilities shall have storage spaces adequate to meet the needs of the hospital. They shall generally be concentrated in one area, but in a multiple building complex, they may be in separate concentrated areas in more than one individual building; and:-
  - D) Office space.
- 3) Linen Services:-
- A) On-site Processing. If linen is to be processed at the hospital site, the following shall be provided:
    - i) Soiled linen receiving, holding, and sorting room with hand-washing ~~handwashing~~ facilities;:-

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- ii) ~~A laundry~~Laundry processing room, including hand-washing facilities, with commercial-type equipment that can process seven days' needs within a regularly scheduled work week;~~;- Handwashing facilities shall be provided.~~
  - iii) ~~A separate~~Separate clean linen storage and issuing room or area;~~;-~~
  - iv) ~~A clean~~Clean linen inspection and mending room or area;~~;-~~
  - v) Storage for laundry supplies;~~;-~~
  - vi) ~~A janitors'~~Janitors' closet containing a floor receptor or service sink and storage space for housekeeping equipment and supplies;~~;-~~
  - vii) Cart ~~storage~~Storage; ~~and~~;
  - viii) Office ~~space~~Space.
- B) Off-site Processing. If linen is processed off the hospital site, the following shall be provided:
- i) A soiled linen holding room with facilities for hand-washing; ~~handwashing~~;
  - ii) ~~Clean~~A clean linen, receiving, inspection; and storage rooms;~~;-~~
  - iii) Cart storage; ~~and~~;
  - iv) Office space.
- 4) Facilities for Cleaning and Sanitizing Carts. Facilities shall be provided to clean and sanitize carts serving the central medical and surgical supply department, dietary facilities, and linen services. These may be centralized or departmentalized.
- 5) Employees' Facilities. In addition to the employees' facilities such as

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

locker rooms, lounges, toilets, or shower facilities called for in certain departments, a sufficient number of ~~thesesuch~~ facilities as required to accommodate the needs of all personnel and volunteers shall be provided.

- 6) Janitors' Closets. In addition to the janitors' closets called for in certain departments, sufficient janitors' closets shall be provided throughout the facility as required to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. Space for large housekeeping equipment and for back-up supplies may be located in other areas.
- 7) Engineering Service and Equipment Areas. The following shall be provided:
  - A) Rooms or separate buildings for boilers, mechanical equipment, and electrical equipment;:-
  - B) Engineer's space;:-
  - C) ~~A maintenance~~Maintenance shop;:-
  - D) ~~A storage~~Storage room or rooms for building maintenance supplies; ~~and~~-
  - E) Yard ~~equipment storage~~Equipment Storage. Yard maintenance equipment and supplies may be stored in a separate room or building ~~for yard maintenance equipment and supplies may be provided~~.
- 8) Waste Processing Services:
  - A) Storage and Disposal. Space and facilities shall be provided for the sanitary storage and disposal of waste by incineration, mechanical destruction, compaction, containerization, removal, or by a combination of these techniques. Proper handling and disposal of radioactive waste substances shall be provided.
  - B) Incineration. A gas, electric or oil-fired incinerator shall be provided for the complete destruction of pathological and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

infectious waste. Infectious waste shall include, but shall not be limited to, dressings and material from open wounds, laboratory specimens, and all waste material from isolation rooms.

- i) The incinerator shall be in a separate room or placed outdoors.
  - ii) Design and construction of incinerators and trash chutes shall be in accordance with NFPA ~~Standard 82~~, [Standard on Incinerators and Waste and Linen Handling Systems and Equipment](#) ~~Incinerators and Rubbish Handling~~.
  - iii) Incinerators shall be designed and equipped to conform to requirements prescribed by air pollution regulations in the area.
- 9) Storage. In addition to the storage areas called for in certain departments of the hospital, suitable additional storage shall be provided.

(Source: Amended at 41 Ill. Reg. 7154, effective June 12, 2017)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Actions:</u>
310.260	Amendment
310.APPENDIX A TABLE H	Amendment
310.APPENDIX A TABLE V	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) Sections 310.260 and 310.Appendix A Tables H and V to reflect the Memorandum of Understanding (MOU) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) for the Corrections Treatment Officer, Corrections Treatment Officer Supervisor, and Corrections Treatment Officer Trainee titles signed May 17, 2017. The Corrections Treatment Officer and Corrections Treatment Officer Trainee titles are assigned to the RC-006-14 and RC-006-11 pay grades, respectively, effective February 17, 2017. That is the date the Certification of Unit Clarification (Case No. S-UC-(S)-17-059) including the Corrections Treatment Officer and Corrections Treatment Officer Trainee titles in the RC-006 bargaining unit was issued by the Illinois Labor Relations Board (ILRB). The Corrections Treatment Officer Supervisor title is assigned to the CU-500-21 pay grade effective February 17, 2017. That is the date the Certification of Unit Clarification (Case No. S-UC-(S)-17-060) including the Corrections Treatment Officer Supervisor title in the CU-500 bargaining unit was issued by the ILRB.
- 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: June 9, 2017
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.260 Trainee Rate and in the table's column with the heading "Negotiated Pay Grade" for the Corrections Treatment Officer Trainee row, the pay grade RC-006-11 replaces the word None.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

In Section 310.Appendix A Table H RC-006 (Corrections Employees, AFSCME) and the title table, the Corrections Treatment Officer and Corrections Treatment Officer Trainee titles, their respective title codes 09864 and 09866, and pay grades RC-006-14 and RC-006-11 are added.

In Section 310.Appendix A Table V CU-500 (Corrections Meet and Confer Employees) and the title table, the Corrections Treatment Officer Supervisor title, its title code 09865 and CU-500-21 pay grade are added.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: June 9, 2017
- 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 rulemakings pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
310.47	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.50	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.130	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.410	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.500	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table I	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table L	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table P	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table S	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table W	Amendment	41 Ill. Reg. 3632; March 31, 2017
310.Appendix A Table X	Amendment	41 Ill. Reg. 3632; March 31, 2017

- 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 these preemptory rules shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services  
Bureau of Personnel  
Department of Central Management Services  
503 William G. Stratton Building  
Springfield IL 62706

217/524-1055  
fax: 217/ 558-4497  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.270	Legislated Rate (Repealed)
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)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

## Section

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 Locals #330 and #705)
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, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE) (Repealed)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

	Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, Educator Trainees, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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, 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory 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; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory 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; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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; 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; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; preemptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; preemptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; amended at 41 Ill. Reg. 3191, effective March 6, 2017; amended at 41 Ill. Reg. 4615, effective April 24, 2017; preemptory amendment at 41 Ill. Reg. 5822, effective May 15, 2017; preemptory amendment at 41 Ill. Reg. 6695, effective May 24, 2017; preemptory amendment at 41 Ill. Reg. 7227, effective June 9, 2017.

## SUBPART B: SCHEDULE OF RATES

**Section 310.260 Trainee Rate**

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04
Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-16
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11
Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Corrections Nurse Trainee	09838	RC-023-17	MS-16
Corrections Treatment Officer Trainee	09866	<del>RC-006-11</del> None	MS-13
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economic Development Representative Trainee	12939	None	MS-10
Educator Intern	13135	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09
Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Firearms Eligibility Analyst Trainee	15375	Pending Negotiations	
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07	MS-04
Human Rights Investigator Trainee	19768	None	MS-09
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04
Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Land Reclamation Specialist Trainee	23137	None	MS-09
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09
Meat and Poultry Inspector Trainee	26075	RC-029	MS-07
Medicaid Management Intern	26305	None	MS-13
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Natural Resources Coordinator Trainee	28830	None	MS-09
Office Occupations Trainee	30075	None	MS-01
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
Retirement Benefits Representative Trainee	38316	None	MS-07
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09
Well Inspector Trainee	49425	None	MS-09

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 7227, effective June 9, 2017)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE H RC-006 (Corrections Employees, AFSCME)**

<b>Title</b>	<b>Title Code</b>	<b>Bargaining Unit</b>	<b>Pay Grade</b>
Canine Specialist	06500	RC-006	14
Correctional Officer	09675	RC-006	09
Correctional Officer Trainee	09676	RC-006	05
Correctional Sergeant	09717	RC-006	12
Corrections Clerk I	09771	RC-006	09
Corrections Clerk II	09772	RC-006	11
Corrections Food Service Supervisor I	09793	RC-006	11
Corrections Food Service Supervisor II	09794	RC-006	13
Corrections Grounds Supervisor	09796	RC-006	12
Corrections Identification Technician	09801	RC-006	11
Corrections Industry Lead Worker	09805	RC-006	12
Corrections Laundry Manager I	09808	RC-006	13
Corrections Locksmith	09818	RC-006	12
Corrections Maintenance Craftsman	09821	RC-006	12
Corrections Maintenance Worker	09823	RC-006	10
Corrections Medical Technician	09824	RC-006	10
Corrections Residence Counselor I	09837	RC-006	11
Corrections Supply Supervisor I	09861	RC-006	11
Corrections Supply Supervisor II	09862	RC-006	13
Corrections Transportation Officer I	09871	RC-006	11
Corrections Transportation Officer II	09872	RC-006	14
<u>Corrections Treatment Officer</u>	<u>09864</u>	<u>RC-006</u>	<u>14</u>
<u>Corrections Treatment Officer Trainee</u>	<u>09866</u>	<u>RC-006</u>	<u>11</u>
Corrections Utilities Operator	09875	RC-006	12
Corrections Vocational Instructor	09879	RC-006	12
Educator Aide	13130	RC-006	06
Housekeeper II	19602	RC-006	02
Juvenile Justice Specialist	21971	RC-006	14
Juvenile Justice Specialist Intern	21976	RC-006	11
Pest Control Operator	31810	RC-006	06
Property and Supply Clerk II	34792	RC-006	04
Social Service Aide Trainee	41285	RC-006	01
Storekeeper I	43051	RC-006	07
Storekeeper II	43052	RC-006	08

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Stores Clerk	43060	RC-006	03
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NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have the percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three (3) or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled above the maximum Step rate continue to

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

**Effective July 1, 2014**  
**Bargaining Unit: RC-006**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
1	Q	2805	2898	2990	3082	3166	3246	3322	3412	3485	3629	3777
1	S	2876	2972	3067	3162	3241	3324	3393	3485	3559	3707	3855
2	Q	2877	2973	3068	3163	3242	3321	3404	3490	3572	3722	3869
2	S	2947	3044	3141	3237	3320	3392	3480	3568	3645	3794	3947
3	Q	2951	3048	3145	3242	3322	3418	3503	3587	3680	3827	3978
3	S	3021	3121	3220	3320	3393	3492	3578	3662	3756	3905	4062
4	Q	3023	3122	3222	3322	3420	3507	3610	3704	3800	3966	4126
4	S	3088	3189	3291	3393	3497	3582	3683	3777	3877	4044	4205
5	Q	3218	3324	3430	3536	3644	3762	3876	4000	4119	4312	4485
5	S	3287	3396	3504	3612	3722	3840	3956	4077	4196	4396	4571
6	Q	3397	3509	3621	3733	3876	4002	4132	4269	4405	4641	4826
6	S	3468	3582	3696	3811	3956	4078	4212	4351	4491	4724	4912
7	Q	3420	3532	3645	3758	3876	4014	4131	4281	4405	4632	4818

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

7	S	3490	3606	3721	3836	3956	4090	4210	4362	4491	4714	4902
8	Q	3668	3789	3910	4030	4179	4325	4493	4647	4796	5061	5263
8	S	3737	3860	3984	4107	4256	4406	4578	4730	4884	5148	5352
9	Q	3673	3793	3915	4036	4184	4336	4508	4665	4836	5099	5305
9	S	3744	3868	3991	4115	4264	4422	4590	4752	4923	5185	5392
10	Q	3817	3943	4069	4195	4352	4533	4706	4884	5063	5350	5566
10	S	3895	4023	4152	4280	4435	4618	4789	4970	5151	5434	5654
11	Q	3994	4126	4257	4389	4571	4747	4948	5137	5334	5641	5867
11	S	4068	4202	4336	4471	4652	4828	5035	5219	5424	5725	5955
12	Q	4161	4298	4435	4573	4764	4973	5178	5379	5580	5905	6139
12	S	4235	4376	4516	4654	4850	5059	5260	5469	5665	5989	6228
13	Q	4351	4494	4638	4782	4999	5223	5444	5666	5898	6238	6485
13	S	4430	4576	4723	4868	5087	5312	5534	5755	5982	6323	6577
14	Q	4422	4568	4713	4858	5086	5315	5535	5761	5989	6342	6593
14	S	4500	4648	4796	4945	5171	5402	5622	5847	6072	6428	6685
15	Q	4567	4718	4867	5017	5252	5489	5717	5959	6197	6551	6813
15	S	4643	4796	4949	5102	5339	5578	5805	6050	6282	6639	6906

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 7227, effective June 9, 2017)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Correctional Casework Supervisor	09655	CU-500	20
Correctional Lieutenant	09673	CU-500	19
Corrections Clerk III	09773	CU-500	16
Corrections Food Service Supervisor III	09795	CU-500	18
Corrections Identification Supervisor	09800	CU-500	19
Corrections Industry Supervisor	09807	CU-500	18
Corrections Laundry Manager II	09809	CU-500	17
Corrections Leisure Activity Specialist IV	09814	CU-500	20
Corrections Maintenance Supervisor	09822	CU-500	17
Corrections Residence Counselor II	09838	CU-500	17
Corrections Supply Supervisor III	09863	CU-500	18
<u>Corrections Treatment Officer Supervisor</u>	<u>09865</u>	<u>CU-500</u>	<u>21</u>
Juvenile Justice Supervisor	21980	CU-500	21
Juvenile Justice Youth and Family Specialist Supervisor	21995	CU-500	22
Property and Supply Clerk III	34793	CU-500	08
Public Service Administrator, Option 7	37015	CU-500	24
Storekeeper III	43053	CU-500	13

NOTES: Longevity Pay – Effective July 1, 2013 and 2014, the pay rates for all unit classifications and steps shall be increased by 2%. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 per month for those employees who attain 10 years of continuous service and three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 per month.

Shift Differential Pay – Employees shall be paid a shift differential of \$0.52 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7:00 a.m. or after 3:00 p.m. Effective January 1, 2009, employees shall be paid a shift differential of \$0.75 per hour in addition to their base salary based on the criteria in this Note. Effective July 1, 2009, employees shall be paid a shift

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

differential of \$0.80 per hour in addition to their base salary based on the criteria in this Note. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated above based on the base rate of pay prior to the effective date shall have the percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. When, in past practice, the payment has been for all paid time, it shall continue as such. Such payment shall be for all paid time irrespective of the past practice. This shall not apply to employees who because of "flex time" scheduling made at their request are scheduled and work hours which would otherwise qualify them for premium pay.

**Effective July 1, 2014**  
**Bargaining Unit: CU-500**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
08	Q	3121	3224	3327	3430	3536	3640	3756	3857	3968	4149	4317
13	Q	3713	3835	3958	4080	4232	4399	4569	4728	4904	5180	5387
16	Q	4224	4363	4502	4641	4844	5061	5271	5481	5705	6028	6269
16	S	4298	4440	4582	4724	4931	5148	5355	5569	5790	6117	6361
17	Q	4421	4567	4712	4858	5086	5315	5535	5761	5989	6342	6593
17	S	4500	4648	4797	4945	5171	5402	5622	5847	6072	6428	6685
18	Q	4649	4802	4956	5109	5356	5602	5854	6089	6332	6701	6970
18	S	4733	4889	5045	5201	5443	5690	5939	6178	6416	6790	7062
19	Q	4904	5065	5228	5389	5658	5917	6191	6447	6715	7111	7396
19	S	4981	5145	5309	5473	5740	6002	6278	6532	6800	7200	7489
20	Q	5175	5346	5517	5688	5966	6242	6534	6812	7092	7515	7816
20	S	5255	5427	5601	5774	6056	6333	6624	6903	7178	7604	7909

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

21	Q	5457	5637	5817	5997	6303	6597	6907	7217	7514	7976	8295
21	S	5539	5721	5904	6086	6387	6688	6993	7305	7599	8063	8386
22	Q	5679	5867	6054	6241	6564	6642	7200	7529	7841	8320	8650
22	S	5761	5952	6141	6331	6644	6967	7283	7615	7927	8407	8741
24	Q	6501	6716	6930	7144	7519	7904	8280	8657	9044	9607	9994
24	S	6578	6795	7011	7229	7601	7991	8367	8743	9133	9694	10081

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 7227, effective June 9, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 6, 2017 through June 12, 2017. The following rulemakings are scheduled for review at the Committee's July 18, 2017 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>
7/19/17	<u>Office of the State Fire Marshal</u> , Small Equipment Grant Program (41 Ill. Adm. Code 291)	3/31/17 41 Ill. Reg. 3748	7/18/17
7/20/17	<u>Illinois Board of Higher Education</u> , Illinois Consortium for Education Opportunity Program (Repealer) (23 Ill. Adm. Code 2400)	4/21/17 41 Ill. Reg. 4394	7/20/17
7/21/17	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	12/2/16 40 Ill. Reg. 15878	7/21/17
7/21/17	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	3/17/17 41 Ill. Reg. 3088	7/21/17
7/21/17	<u>Office of the Attorney General</u> , Hospital Financial Assistance under the Fair Patient Billing Act (77 Ill. Adm. Code 4500)	4/21/17 41 Ill. Reg. 4426	7/21/17
7/22/17	<u>Illinois Gaming Board</u> , Video Gaming (General) (80 Ill. Adm. Code 1100)	3/10/17 41 Ill. Reg. 2777	7/18/17

7/22/17

State Universities Retirement System,  
Universities Retirement (80 Ill. Adm. Code  
1600)

2/3/17

41 Ill. Reg.  
808

7/18/17

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Air is accepting comments on the draft "Illinois Infrastructure State Implementation Plan for 2012 Annual Fine Particle Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard." The Infrastructure State Implementation Plan ("SIP") also addresses Section 110(a)(2)(D) of the Federal Clean Air Act ("CAA"), also known as the "Good Neighbor Provision." The Illinois EPA is required to submit an infrastructure SIP to the United States Environmental Protection Agency ("USEPA") under CAA sections 110(a)(1) and (a)(2) concerning the capabilities of the State to implement, maintain, and enforce each primary or secondary NAAQS.

Section 110(a)(1) requires each state to submit an infrastructure SIP within three years after promulgation of a new or revised NAAQS. Many of the Section 110(a)(2) SIP elements relate to the general information and authorities that constitute the infrastructure of a state's air quality program; hence these SIPs are referred to as infrastructure SIPs. In this case, the infrastructure SIP is being submitted specifically to address the annual 2012 PM<sub>2.5</sub> standard of 12.0 µg/m<sup>3</sup>.

The infrastructure plan does not include any new rules or revisions, but informs the USEPA that Illinois EPA is able to maintain current monitoring and modeling data systems, enforcement, and permitting programs including New Source Review and Prevention of Significant Deterioration, adequate resources with current funding, and authority for existing regulations involving the PM<sub>2.5</sub> NAAQS. This plan will be submitted to USEPA for review and approval as a revision to the SIP and will meet the Federal requirements as set forth under Title 40: Protection of the Environment, Part 51 – Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

The Illinois EPA is accepting comments and requests for public hearing regarding the proposed Infrastructure SIP. Comments and requests for hearing must be received by the Illinois EPA by July 24, 2017. Comments, questions, or requests for public hearing should be directed to Rachel Stewart, Office of Community Relations, at the address, email, or telephone number listed below:

Rachel Stewart, #5  
Illinois EPA  
1021 North Grand Avenue East  
PO Box 19276  
Springfield IL 62794-9276

217/782-2224  
Rachel.Stewart@illinois.gov

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

If a timely request for a public hearing is received by Illinois EPA by July 24, 2017, a public hearing will be scheduled through a separate notice and held to receive comments regarding the infrastructure plan. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice. If no request for a public hearing is received by July 24, 2017, no hearing will be scheduled. Verification as to whether a public hearing will or will not be held will be posted on the Illinois EPA's website at <http://www.epa.illinois.gov/public-notices/index> by July 28, 2017. Interested persons may also contact Rachel Stewart, Office of Community Relations, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed plan may be viewed by the public at the Illinois EPA's offices at 1021 North Grand Avenue East in Springfield, 217/782-7027. Please call ahead to assure that someone will be available to assist you. The plan is also available online at <http://www.epa.illinois.gov/public-notices/index>

This notice is intended to satisfy the requirements of Section 110(1) of the CAA regarding public notice for SIP submittals, 42 USC Sec. 7410(1).