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December 8, 2017 Volume 41, Issue 49

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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 October 15, 2017 until January 2, 2018.

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures for Informational and Quasi-Legislative Public Hearings
- 2) Code Citation: 35 Ill. Adm. Code 164
- 3) Section Number: 164.201 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Environmental Protection Act. [415 ILCS 5/4].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend Part 164 to provide for electronic notice of informational or quasi-legislative public hearings rather than newspaper notice.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rules do not establish or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The State will hold a hearing on this matter at 1:30 pm on January 11, 2018, at 1021 North Grand Avenue East, Springfield, Illinois. Written comments will be accepted but must be physically received by the Agency by January 22, 2018. Written comments must be submitted to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

217/558-8280

TDD: 217/782-9143

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will impact newspapers that publish public hearing notices. It is not expected to otherwise impact small businesses and not for profits.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: ENVIRONMENTAL PROTECTION AGENCY

PART 164

PROCEDURES FOR INFORMATIONAL AND QUASI-LEGISLATIVE PUBLIC HEARINGS

SUBPART A: INTRODUCTION

Section	
164.101	Purpose
164.102	Applicability

SUBPART B: PROCEDURES FOR INFORMATIONAL PUBLIC HEARINGS

Section	
164.201	Notice
164.202	Hearing Officer
164.203	Conduct of Hearing
164.204	Questions
164.205	Written Submissions

SUBPART C: HEARING RECORD

Section	
164.301	Contents
164.302	Access

SUBPART D: RESPONSE TO HEARING

Section	
164.401	Summary and Agency Statement

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act [425 ILCS 5] and Section 5-10(a) of the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted and codified at 7 Ill. Reg. 372, effective January 10, 1983; amended at 42 Ill. Reg. _____, effective _____.

ENVIRONMENTAL PROTECTION AGENCY

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SUBPART B: PROCEDURES FOR INFORMATIONAL PUBLIC HEARINGS

Section 164.201 Notice

- a) Notice of a hearing under ~~this Part~~~~these procedures~~ shall be given at least 30 days before the hearing.
- b) The notice shall include:
 - 1) The date, time, and place of the hearing;
 - 2) The purpose of the hearing;
 - 3) Identification of the Agency ~~Bureau~~~~division~~ sponsoring the hearing and any other sponsor if the hearing is jointly sponsored;
 - 4) A reference to the particular ~~Sections~~~~sections~~ of the statutes and rules involved;
 - 5) The name, address, and telephone number of a contact person from whom additional information regarding the hearing may be obtained;
 - 6) A statement regarding the submission of written comments;
 - 7) A statement that a copy of the procedural rules governing the hearing is available upon request; and
 - 8) Other information as determined by the Agency or required by law.
- c) Notice of the hearing shall be given by prominent placement at a dedicated page on the Agency's website. The notice shall remain on the Agency's website for the duration of the public comment period. If the Agency's website is unavailable for a prolonged period of time, the comment period will be extended for an equivalent amount of time. Notice of hearing shall also be given as follows:~~by advertisement in a newspaper of general circulation in the affected geographical area or by notice in the Illinois Register.~~

ENVIRONMENTAL PROTECTION AGENCY

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- 1) If, pursuant to the Act or other applicable law, newspaper notice is required for the matter at issue, notice shall be by advertisement in a newspaper of general circulation in the affected geographical area;
 - 2) If the Director of the Agency or his/her designee determines, for a particular matter, that additional notice would serve the interests of the public or of the Agency, notice shall be by advertisement in a newspaper of general circulation in the affected geographical area or by notice in the Illinois Register. In making this determination, the Agency shall consider public interest.
- d) Notice will also be provided to:
- 1) Interested or affected persons and organizations of which the Agency is aware or who have requested notification of public hearings or of Agency actions relating to the subject matter of the hearing.
 - 2) Other persons as determined by the Agency or as required by law.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures for Permit and Closure Plan Hearings
- 2) Code Citation: 35 Ill. Adm. Code 166
- 3) Section Number: 166.130 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Environmental Protection Act. [415 ILCS 5/4].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend Part 166 to provide for electronic notice of informational hearings regarding applications for permits and approval or amendments of closure plans for hazardous waste facilities, rather than newspaper notice. The rule also allows the Agency to provide public officials and interested persons notice of the closure plan or proposed permit and fact sheet by e-mail.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rules do not establish or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The State will hold a hearing on this matter at 1:30 pm on January 11, 2018, at 1021 North Grand Avenue East, Springfield, Illinois. Written comments will be accepted but must be physically received by the Agency by January 22, 2018. Written comments must be submitted to:

Dean Studer, Hearing Officer
Illinois EPA

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/558-8280
TDD: 217/782-9143

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for-profit corporations affected: This rulemaking will impact newspapers that publish public hearing notices. It is not expected to otherwise impact small businesses and not-for-profits.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 166
PROCEDURES FOR PERMIT AND CLOSURE PLAN HEARINGSSUBPART A: INFORMATIONAL PERMIT AND
CLOSURE PLAN HEARINGS

Section	
166.101	Purpose
166.110	Applicability
166.120	Definitions
166.130	Notice
166.140	Hearing Officer
166.150	Hearing Board
166.160	Conduct of Hearing
166.170	Questions
166.180	Contents of the Record
166.190	Access to the Record
166.191	Closure of the Record
166.192	Contents of Responsiveness Summary
166.193	Severability

SUBPART B: CONTESTED CASE PERMIT HEARINGS

Section	
166.201	Purpose
166.202	Applicability
166.203	Definitions
166.210	Commencement of a Contested Case Permit Hearing
166.220	Notice
166.221	Form of Documents
166.222	Filing of Documents
166.223	Service of Documents and Proof of Service
166.224	Motions
166.225	Computation of Time
166.226	Pre-Hearing Conferences

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166.227	Discovery
166.228	Admissions
166.230	Hearing Officer
166.235	Intervention
166.240	Conduct of the Hearing
166.250	Rules of Evidence
166.255	Burden of Proof
166.260	Testimony and Cross-Examination of Witnesses
166.265	Official Notice
166.270	Records in Other Proceedings
166.275	Documentary Evidence
166.276	Exhibits
166.280	Transcript of Hearing
166.285	Proposed Finding of Fact and Conclusions of Law
166.290	Proposal for Decision
166.291	Contents of the Record
166.292	Decision in Contested Case
166.295	Sanctions
166.296	Ex parte Consultations
166.297	Right to Legal Counsel

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5] and Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted and codified at 7 Ill. Reg. 7084, effective June 15, 1983; old Part repealed, new Part adopted at 11 Ill. Reg. 16550, effective October 15, 1987; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: INFORMATIONAL PERMIT AND
CLOSURE PLAN HEARINGS

Section 166.130 Notice

- a) Notice of hearing shall be given at least 45 days before the date of hearing by prominent placement at a dedicated page on the Agency's website.~~placed in a public newspaper in the area in which the facility for which the permit or closure plan is requested is located or as otherwise required by law.~~ The notice shall remain on the Agency's website for the duration of the public comment period. If the Agency's website is unavailable for a prolonged period of time, the comment

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period will be extended for an equivalent amount of time. If, pursuant to the Act or other applicable law, newspaper notice is required for the type of permit or closure plan at issue, notice shall also be given by advertisement in a newspaper of general circulation in the affected geographical area.

- b) If the Director of the Agency or his/her designee determines, for a particular permit or closure plan, that additional notice would serve the interests of the public or of the Agency, notice shall also be by advertisement in a newspaper of general circulation in the affected geographical area or by notice in the Illinois Register. In making this determination, the Agency shall consider public interest.~~Notice shall be published once weekly for three successive weeks, and the first notice of a hearing shall be given at least 45 days before the date of the hearing.~~
- c) A copy of the Notice and the closure plan or proposed permit and fact sheet shall be provided by electronic mail or mailed to:
- 1) The State's attorney of the county in which the facility is located;
 - 2) The Chairman of the County Board of the county in which the facility is located;
 - 3) Each member of the General Assembly from the legislative district in which the facility is located;
 - 4) The chief executive officer and the clerk of each municipality, any portion of which is within three miles of the facility; and
 - 5) Persons on a mailing list developed by the Agency that~~which~~ includes those who requested in writing to be included on such a list.~~;~~ and
- d) The notice shall include the following information:
- 1) The date, time, and place of the public hearing;
 - 2) The purpose of the hearing;
 - 3) The name and address of each permit or closure plan applicant and the location or address of the facility for which the permit or closure plan is

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sought;

- 4) The type of permit sought and the applicable federal and State state regulations thatwhich require or authorize the granting of thesuch permit or closure plan by the Agency;
- 5) A brief description of the activities or operations at the facility for which the permit is requested;
- 6) Identification of the Agency BureauDivision sponsoring the hearing, and any other sponsor if the hearing is jointly sponsored;
- 7) The name of any waterway to which any discharge is to be made and a short description of the location of each such discharge on the waterway under any proposed NPDES permit, if applicable;
- 8) A statement of issues to be considered;
- 9) The name, address, and telephone number of the Agency contact person from whom additional information regarding the hearing may be obtained; and
- 10) A statement of applicable Pollution Control Board rules thatwhich govern the issuance of the permit or closure plan thatwhich is the subject of the hearing.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

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- 1) Heading of the Part: Public Participation in the Air Pollution Control Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 252
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
252.201	Amendment
252.204	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Environmental Protection Act [415 ILCS 5/4].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend Part 252 to provide for electronic notice of certain air permit hearings, including those regarding major stationary source construction and modification, Clean Air Act Permit Program permits, and others. Electronic notice would replace newspaper notice.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rules do not establish or expand a State mandate under the State Mandates Act.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air will hold a public hearing at 1:30 pm on January 11, 2018, at 1021 North Grand Avenue East, Springfield, Illinois, for the purpose of gathering public comments on the Illinois EPA's proposed amendments. The Illinois EPA intends to submit such amendments to the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act (CAA), 42 USC § 7401 et seq. In order for the amendments to be considered for approval as a revision to the SIP, the State must submit them in accordance with the requirements of 40 Code of Federal

ENVIRONMENTAL PROTECTION AGENCY

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Regulations (CFR) § 51.104. Since the amendments seek to revise provisions of the Illinois Administrative Code that are part of Illinois' SIP, the amendments must be submitted to the USEPA for approval as a SIP revision.

The public hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed below.

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/558-8280
TDD: 217/782-9143

The hearing record and public comment period will close on January 22, 2018. Written comments will be accepted, but must be directed to Dean Studer at the above address, and must be physically received by January 22, 2018. Copies of the proposed SIP revision may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. until 4:30 pm, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield; 9511 W. Harrison Street, Des Plaines; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided.

This notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 USC § 7410(l) (public notice for SIP revisions)).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will impact newspapers that publish public hearing notices. It is not expected to otherwise impact small businesses and not-for-profits.
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 252
PUBLIC PARTICIPATION IN THE
AIR POLLUTION CONTROL PERMIT PROGRAM

SUBPART A: INTRODUCTION

Section	Purpose
252.101	Purpose
252.102	Applicability
252.103	Application for a Prevention of Significant Deterioration Permit
252.104	Definitions
252.105	Consolidation

SUBPART B: PROCEDURES FOR PUBLIC REVIEW

Section	Purpose
252.201	Notice and Opportunity to Comment
252.202	Draft Permit
252.203	Fact Sheet and Statement of Basis
252.204	Availability of Documents
252.205	Opportunity for Public Hearing
252.206	Procedures for Public Hearings

SUBPART C: USEPA REVIEW AND OBJECTION PROCEDURES

Section	Purpose
252.301	USEPA Review and Objection

SUBPART D: AGENCY ACTION

Section	Purpose
252.401	Final Permit Action

AUTHORITY: Implementing and authorized by Sections 4, 9.1(d), 9.1(e), 39, 39.1(c) and 39.1(d) of the Environmental Protection Act [415 ILCS 5/4, 9.1(d), 9.1(e), 39, 39.1(c) and

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39.1(d)].

SOURCE: Adopted at 4 Ill. Reg. 10, p. 246, effective February 22, 1980; former Part repealed and new Part adopted at 8 Ill. Reg. 8197, effective June 1, 1984; amended at 17 Ill. Reg. 9684, effective June 10, 1993; amended at 22 Ill. Reg. 19253, effective October 13, 1998; amended at 42 Ill. Reg. _____, effective _____.

SUBPART B: PROCEDURES FOR PUBLIC REVIEW

Section 252.201 Notice and Opportunity to Comment

- a) The Agency shall issue a notice for the issuance of any permit described in Section 252.102 of this Part and renewal of any operating permit described in Section 252.102 of this Part, and permit actions described in Section 252.103 of this Part.
- b) The notice shall be ~~given~~ to:
 - 1) ~~The public, by prominent placement at a dedicated page on the Agency's website. The notice shall remain on the Agency's website for the duration of the public comment period. If the Agency's website is unavailable for a prolonged period of time, the comment period will be extended for an equivalent amount of time. Notice shall also be by advertisement in a newspaper of general circulation in the area where the source is located if either: at least one time, by display advertisement in a newspaper of general circulation in the area where the source is located;~~
 - A) The Director of the Agency or his/her designee determines, for a particular permit, that additional notice would serve the interests of the public or of the Agency. In making this determination, the Agency shall consider public interest; or
 - B) Pursuant to the Act or other applicable law, notice is required to be published in a newspaper for the type of permit at issue;
 - 2) Local government air pollution control offices within Illinois that are in the area affected by the source;
 - 3) The chief executives of the municipality and county in which the source is

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to be located, including the mayor or president, clerk, county board chairman, county clerk, and state's attorney;

- 4) Members of the General Assembly from the legislative district in which the source is located;
 - 5) Any state whose air quality may be affected and ~~that~~which is contiguous to Illinois or ~~which~~is within 50 miles of the source;
 - 6) Other officials and agencies identified in 40 CFR 51.24(g)(iv) (1983), for PSD sources only;
 - 7) The permit applicant; and
 - 8) Persons on the public participation mailing list for the air pollution control permit program.
- c) The notice shall include:
- 1) The name and address of the applicant and the source, and the name and address of the Agency;
 - 2) The location of the source if different from the applicant's address;
 - 3) The activity or activities involved in the permit action;
 - 4) For a proposed significant modification, a description of the change in the amount or character of the emissions ~~that~~which may result from the modification;
 - 5) The preliminary decision of the Agency to grant the permit;
 - 6) For the issuance of a PSD permit, the degree of ambient air increment consumed by the project;
 - 7) For a case-by-case MACT determination pursuant to ~~section~~Section 112(g) and ~~Section 112~~(j) of the CAA, a description of the emission limitation or work practice standard in the draft permit that constitutes MACT;

ENVIRONMENTAL PROTECTION AGENCY

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- 8) The location of the documents available for public review;
- 9) A request for written comments on the Agency's draft proposed permit;
- 10) The date ~~the comment period closed by which comments must be postmarked;~~
- 11) Instructions on how to request a public hearing if a decision to hold a hearing has not already been made pursuant to Section 252.205(a) or (b); and
- 12) The name, address, and telephone number of the Agency contact person from whom the public may obtain additional information.

(Agency Note: Material properly claimed as trade secret or confidential pursuant to Sections 7 and 7.1 of the Act and 2 Ill. Adm. Code ~~Part~~ 1827 will not be subject to public disclosure under this Part. An applicant claiming a trade secret shall provide, in addition to the complete application, a copy of the application for public notice in which the material claimed as trade secret has been deleted.)

- d) The notice to the permit applicant shall also include the draft permit and fact sheet or statement of basis required by Section 252.203 ~~of this Part~~.
- e) The notice shall provide for a 30-day public comment period. The Agency may extend the comment period on written request if any applicable statutory period for the Agency decision, as prescribed in Section 39 of the Act, allows for an extension.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 252.204 Availability of Documents

- a) Copies of the following documents shall be made available for public inspection during the public comment period:
 - 1) The public notice;

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) The fact sheet or statement of basis;
 - 3) The draft permit; and
 - 4) The permit application, including any compliance plans.
- b) A copy of the draft permit shall be placed at a dedicated page on the Agency's website for the duration of the public comment period. Copies of the other documents listed in subsection (a) shall be available for review at~~Copies of the documents shall be placed in:~~
- 1) The Bureau of Air's~~Division of Air Pollution Control's~~ offices at 1021 North Grand Avenue East~~1340 North Ninth Street~~, Springfield IL, ~~Illinois~~ 62794-9276; and
 - 2) The Bureau of Air's~~Division of Air Pollution Control's~~ regional ~~or district~~ office closest to the location of the source.
- c) All documents listed in subsection (a) ~~above~~ shall also be available in accordance with procedures of the Agency and of the Pollution Control Board adopted pursuant to 35 Ill. Adm. Code 130~~120~~, and Sections 7 and 7.1 of the Act.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because IDFPD-DPR could not have anticipated the signing of Executive Order 2017-05, issued by Governor Rauner on September 6, 2017.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1285
MEDICAL PRACTICE ACT OF 1987SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section	
1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Professional Capacity Standards for Applicants Having Graduated More Than 2 Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section	
1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders

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1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information
1285.280	Mandatory Reporting of Persons Engaged in Post-Graduate Clinical Training Programs

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective

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March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19, 2009; emergency amendment at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 19500, effective November 17, 2011; amended at 38 Ill. Reg. 15972, effective August 1, 2014; amended at 40 Ill. Reg. 3503, effective March 4, 2016; amended at 42 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section 1285.240 Standards

- a) Dishonorable, Unethical or Unprofessional Conduct
 - 1) In determining what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Disciplinary Board shall consider whether the questioned activities:
 - A) Are violative of ethical standards of the profession (such as safeguard patient confidence and records within the constraints of law; respect the rights of patients, colleagues and other health professionals; observe laws under the Act and pertaining to any relevant specialty; to provide service with compassion and respect for human dignity);
 - B) Constitute a breach of the physician's responsibility to a patient;
 - C) Resulted in assumption by the physician of responsibility for delivery of patient care that the physician was not properly qualified or competent to render;
 - D) Resulted in a delegation of responsibility for delivery of patient care to persons who were not properly supervised or who were not competent to assume such responsibility;
 - E) Caused actual harm to any member of the public; or
 - F) Are reasonably likely to cause harm to any member of the public in the future.

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- 2) Questionable activities include, but are not limited to:
 - A) Being convicted of any crime an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;
 - B) Delegating patient care responsibility to any individual when the physician has reason to believe that the person may not be competent;
 - C) Misrepresenting educational background, training, credentials, competence, or medical staff memberships;
 - D) Failing to properly supervise subordinate health professional and paraprofessional staff under the licensee's supervision and control in patient care responsibilities; or
 - E) Committing of any other act or omission that breaches the physician's responsibility to a patient according to accepted medical standards of practice.
- 3) [The Division hereby incorporates by reference the "Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain", Federation of State Medical Boards, April 2017, 400 Fuller Wisser Road, Suite 300, Euless TX 76039. No later amendments or editions are included.](#)
- b) Immoral Conduct
 - 1) Immoral conduct in the commission of any act related to the licensee's practice means conduct that:
 - A) Demonstrates moral indifference to the opinions of the good and respectable members of the profession;
 - B) Is inimical to the public welfare;
 - C) Abuses the physician/patient relationship by taking unfair advantage of a patient's vulnerability; and

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- D) Is committed in the course of the practice of medicine.
- 2) In determining immoral conduct in the commission of any act related to the licensee's practice, the Disciplinary Board shall consider, but not be limited to, the following standards:
- A) Taking advantage of a patient's vulnerability by committing an act that violates established codes of professional behavior expected on the part of a physician;
 - B) Unethical conduct with a patient that results in the patient engaging in unwanted personal, financial or sexual relationships with the physician;
 - C) Conducting human experimentation or utilizing unproven drugs, medicine, surgery or equipment to treat patients, except as authorized for use in an approved research program pursuant to rules of the Illinois Department of Public Health authorizing research programs (77 Ill. Adm. Code 250.130) or as otherwise expressly authorized by law;
 - D) Committing an act, in the practice of persons licensed under the Act, of a flagrant, glaringly obvious nature, that constitutes conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;
 - E) Committing an act in a relationship with a patient so as to violate common standards of decency or propriety; or
 - F) Any other behavior that violates established codes of physician behavior or that violates established ethical principles commonly associated with the practice of medicine.
- c) In determining what constitutes gross negligence, the Disciplinary Board shall consider gross negligence to be an act or omission that is evidence of recklessness or carelessness toward or a disregard for the safety or well-being of the patient, and that results in injury to the patient.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses
- 2) Code Citation: 77 Ill. Adm. Code 2060
- 3) Section Number: 2060.318 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].
- 5) A Complete Description of the Subjects and Issues involved: 77 Ill. Adm. Code 2060 contains the licensure requirements and clinical standards for organizations that engage in intervention and treatment services for persons with substance use disorders. This rulemaking adds a new section to include information on the rate methodology for increases in rates for licensees who also receive funding from DHS/DASA.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

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100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect community based substance use disorder treatment facilities that are licensed and/or Medicaid certified by DHS/DASA.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: LICENSURE

PART 2060
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT
AND INTERVENTION LICENSES

SUBPART A: GENERAL REQUIREMENTS

- Section
2060.101 Applicability
2060.103 Incorporation by Reference and Definitions

SUBPART B: LICENSURE REQUIREMENTS

- Section
2060.201 Types of Licenses
2060.203 Off-Site Delivery of Services
2060.205 Unlicensed Practice
2060.207 Organization Representative
2060.209 Ownership Disclosure
2060.211 License Application Forms
2060.213 License Application Fees
2060.215 Period of Licensure
2060.217 License Processing/Review Requirements
2060.219 Renewal of Licensure
2060.221 Change of Ownership/Management
2060.223 Dissolution of the Corporation
2060.225 Relocation of Facility
2060.227 License Certificate Requirements
2060.229 Deemed Status (Repealed)

SUBPART C: REQUIREMENTS – ALL LICENSES

- Section
2060.301 Federal, State and Local Regulations and Court Rules
2060.303 Rule Exception Request Process
2060.305 Facility Requirements

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2060.307	Service Termination/Record Retention
2060.309	Professional Staff Qualifications
2060.311	Staff Training Requirements
2060.313	Personnel Requirements and Procedures
2060.315	Quality Improvement
2060.317	Service Fees
<u>2060.318</u>	<u>Reimbursement Rates and Rate Modification Methodology</u>
2060.319	Confidentiality – Patient Information
2060.321	Confidentiality – HIV Antibody/AIDS Status
2060.323	Patient Rights
2060.325	Patient/Client Records
2060.327	Emergency Patient Care
2060.329	Referral Procedure
2060.331	Incident and Significant Incident Reporting
2060.333	Complaints
2060.335	Inspections
2060.337	Investigations
2060.339	License Sanctions
2060.341	License Hearings

SUBPART D: REQUIREMENTS – TREATMENT LICENSES

Section	
2060.401	Levels of Care
2060.403	Court Mandated Treatment
2060.405	Detoxification
2060.407	Group Treatment
2060.409	Patient Education
2060.411	Recreational Activities
2060.413	Medical Services
2060.415	Infectious Disease Control
2060.417	Assessment for Patient Placement
2060.419	Assessment for Treatment Planning
2060.421	Treatment Plans
2060.423	Continued Stay Review
2060.425	Progress Notes and Documentation of Service Delivery
2060.427	Continuing Recovery Planning and Discharge

SUBPART E: REQUIREMENTS – INTERVENTION LICENSES

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Section

2060.501	General Requirements
2060.503	DUI Evaluation
2060.505	DUI Risk Education
2060.507	Designated Program
2060.509	Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4488, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10803, effective August 23, 1999; amended at 25 Ill. Reg. 11063, effective August 14, 2001; amended at 26 Ill. Reg. 16913, effective November 8, 2002; amended at 27 Ill. Reg. 13997, effective August 8, 2003; amended at 42 Ill. Reg. _____, effective _____.

SUBPART C: REQUIREMENTS – ALL LICENSES

Section 2060.318 Reimbursement Rates and Rate Modification Methodology

- a) Reimbursement rates for Department funding and/or for services reimbursed through Medicaid are or have been developed through the application of Department approved formal methodologies specific to each reimbursable service. Unique to each service, a mean is then established and a standardized rate adopted with the exception of provider specific rates for certain residential and withdrawal management levels of care.
- b) Increases to established rates are based on the following:
 - 1) Appropriated funds; and
 - 2) Substance Use Disorder treatment/recovery support service priority based upon the need for capacity enhancement or expansion.
- c) All rates or rate modifications are effective only after approval by the Department and, for covered services reimbursed through Medicaid, the Illinois Department of

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Healthcare and Family Services (HFS) in its capacity as the Medicaid single state agency.

- d) Licensed/certified organizations and the public shall be informed of any changes in the methods and standards of determining reimbursement rates for services funded under this Part pursuant to 42 CFR 447.205 (2003).

(Source: Added at 42 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
50.105	Amendment
50.800	New Section
50.810	New Section
50.820	New Section
50.830	New Section
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and PA 99-699.
- 5) A Complete Description of the Subjects and Issues involved: To comply with PA 99-699, this rulemaking provides that programs for school-age youth in Illinois that do not receive State or federal funding can seek exemption from licensing as child care centers if they certify that they meet specific staff qualification and training standards. It also provides that all program staff, subcontractors, and volunteers working or volunteering at license-exempt school-age providers must undergo appropriate background checks and child abuse clearances in accordance with child care program policies.
- 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>
50.230	Amendment	41 Ill. Reg. 12759; October 13, 2017
50.320	Amendment	41 Ill. Reg. 12759; October 13, 2017

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses providing child care services
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Bachelor's Degree, Associate's Degree, High School Diploma or GED and work experience
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016 Regulatory Agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.105	Definitions
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider (Repealed)
50.250	Additional Service to Secure or Maintain Child Care
50.260	Job Search (Repealed)

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: PROVIDER REQUIREMENTS

Section	
50.400	Purpose
50.410	Qualified Provider

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50.420	Provider Registration and Certification Requirements
50.430	Provider Background Checks
50.440	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section	
50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

Section	
50.610	Child Care Collaboration Program
50.620	Approvable Models of Collaboration
50.630	Requirements for Approval in the Child Care Collaboration Program
50.640	Notification of Eligibility
50.650	Rules and Reporting for the Child Care Collaboration Program

SUBPART G: GATEWAYS TO OPPORTUNITY CREDENTIALS

Section	
50.710	Gateways to Opportunity, the Illinois Professional Development System
50.720	Gateways to Opportunity Credentials
50.730	Application for Credentials
50.740	Framework for Gateways to Opportunity Credentials
50.750	Professional Knowledge
50.760	Gateways to Opportunity Registry

SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

<u>Section</u>	<u>Purpose</u>
<u>50.800</u>	

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50.810	Applicability
50.820	Staff Qualifications for License Exempt School-Age Providers
50.830	Training Standards for License Exempt School-Age Providers

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days;

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emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 50.105 Definitions

"Access to Children" – an employee (including volunteers) whose job duties require that the employee be present in the child care facility during the hours that children are present in the facility and includes any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in the facility. All individuals with access to children in care must submit to the required background checks.

"Background Check" –

a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois and National Sex Offender Registries.

"Base Wages and Salary" – is the amount of gross earned income calculated by multiplying the number of hours worked by the hourly wage plus tips, before any deductions, such as taxes, pension payments, union dues, insurance, etc., are

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made. Base wages and salary do not include non-recurrent or inconsistent pay for overtime, incentives, bonuses, sick, vacation, travel reimbursements or other types of non-recurrent or inconsistent income.

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

"Child Care Assistance Program" or "CCAP" – Child care services authorized by the Department of Human Services (DHS) as specified in 89 Ill. Adm. Code 50.

"Child Care Provider" or "Child Care Facility" – any individual (other than a parent or legal guardian), group of persons, agency, association, or organization that provides programs or services for compensation, exclusively directed towards persons under the age of 18.

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

"Employment" or "Work" – a trade, profession, occupation, job or other means of livelihood for which a wage, salary or monetary compensation is paid.

"Family" – the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse under age 21 living in the same household. Family must also include the child for whom care is requested, the child's dependent blood-related and adoptive siblings, and the child's and sibling's parents living in the same household. The family may also include other persons related by blood or law to the applicant or his or her spouse living in the same household if they are dependent upon the family for more than 50 percent of their support, if including these individuals would be beneficial for the family. The family may also include a child of the applicant or his or her spouse under age 21 who is dependent upon the family for more than 50 percent of his or her support and who is a full-time student away at school, provided he or she has not established legal residence outside the family household, if including this individual would be beneficial for the family.

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"Improper Payment" – any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements, and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for applicable discounts.

"Member of the Household" – a person who lives at the same address as the parent, legal guardian or child, as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address.

"Parents" or "Parents or other Relatives" – applicants for or recipients of child care assistance who reside in the same household as the child. Parents or other relatives include:

a biological parent;

an adoptive parent;

a child's biological or adoptive parent who is the primary residential parent (custodian) of the child:

in an order of joint custody entered pursuant to Section 602.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5]; or

in an original or modification proceeding as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act [750 ILCS 36], pursuant to Section 601 of the Illinois Marriage and Dissolution of Marriage Act;

a stepparent;

a legal guardian; or

a caretaker relative within the fifth degree of kinship. The degrees of kinship are the following blood and adoptive relatives:

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First Degree of Kinship:

father; or

mother.

Second Degree of Kinship:

brother;

sister;

grandfather; or

grandmother.

Third Degree of Kinship:

great-grandfather;

great-grandmother

uncle;

aunt;

nephew; or

niece.

Fourth Degree of Kinship:

great-great-grandfather;

great-great-grandmother;

great-uncle;

great-aunt;

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first cousin;

great-niece; or

great-nephew.

Fifth Degree of Kinship:

great-great-great-grandfather;

great-great-great-grandmother;

great-great-uncle;

great-great-aunt;

first cousin once removed;

second cousin;

great-great niece; or

great-great nephew.

Step-Relatives:

step-father;

step-mother;

step-brother; or

step-sister.

"Persons Subject to Background Checks" –

the operators of the child care facility;

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all current and conditional employees of the child care facility;
any person who is used to replace or supplement staff; and
any person who has access to children.

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

"School-age youth" for the purposes of the Child Care Assistance Program (CCAP), means a child ages 5 through 13 (or through the age of 18 if approved for CCAP due to a special need or court order) who is enrolled in school. A five year old child is considered school age only when enrolled in a school based education/kindergarten program. This enrollment does not include a before/after school program.

"Special Needs Child" –

a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 USC 1401);

a child who is eligible for Early Intervention services under Part C (subchapter III) of the Individuals with Disabilities Education Act (20 USC 1431 et seq.);

a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

"Teen Parent" – parents through age 19.

"Two-Parent Household" or "Two-Parent Family" – a family with two parents living in the home; includes unmarried parents who share a child in common.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

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Section 50.800 Purpose

The purpose of this Subpart is to prescribe the staff qualifications and training standards for school-age programs or portions of programs that do not receive State or federal funds.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 50.810 Applicability

The staff qualifications and training standards contained in this Subpart shall only apply to school-age programs or portions of programs that do not receive State or federal funds pursuant to Section 2.09 of the Child Care Act of 1969 [225 ILCS 10].

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 50.820 Staff Qualifications for License Exempt School-Age Providers

Provider's staff members must have the appropriate level of professional and educational experience to work with school-age youth.

- a) An Administrator or a Program Director must possess the following qualifications:
- 1) A Bachelor's Degree and at least 1 year's experience working with school-age youth in the areas of child development, recreation, education or related fields;
 - 2) An Associate's Degree and at least 3 years' experience working with school-age youth in the areas of child development, recreation, education or related fields; or
 - 3) A High School Diploma or a GED and at least 5 years' experience working with school-age youth in the areas of child development, recreation, education or related fields.
- b) The provider must meet the following requirement if the provider is employing a Site Coordinator, a Site Director, or any other staff member, excluding a Student Aide (as described in subsection (c)):

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- 1) An Administrator or Program Director must be on the provider's premises if the Site Coordinator, Site Director, or any other staff member other than a Student Aide is less than 18 years old or does not have a High School Diploma or GED; or
- 2) An Administrator or Program Director is not required to be on the provider's premises if the Site Coordinator, Site Director, or any other staff member other than a Student Aide is at least 18 years old or has a High School Diploma or GED.
- c) A Student Aide must be at least 14 years old and be supervised by a staff member of a higher classification.
- d) All providers, providers' staff, subcontractors and volunteers working or volunteering at license-exempt school-age providers must undergo appropriate background checks, including CANTS clearances in accordance with child care program policies (89 Ill. Adm. Code 50.430).

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 50.830 Training Standards for License Exempt School-Age Providers

Staff members shall undergo an initial orientation and annual trainings.

- a) The provider shall provide an initial orientation training to all new staff members, including full-time and part-time employees, seasonal employees, and volunteers during their first year of employment.
 - 1) The initial orientation shall cover topics appropriate to the staff member's job responsibilities.
 - 2) The provider shall provide DCFS-approved Mandatory Reporter Training to all staff members in accordance with Section 1-11.5 of the Abused and Neglected Child Reporting Act.
- b) The provider shall provide an annual training to all non-seasonal staff members, including full-time and part-time employees, after their first year of employment.

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- 1) Staff members are required to complete at least 4 hours of training annually, after their first year of employment.
- 2) The training may cover topics regarding program management, program administration, conflict, cultural competency, guidance, discipline, and other areas as determined by the provider to be relevant to the staff member's job responsibility.

(Source: Added at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
121.75	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Section 6(e)(3)(B) of the Food and Nutrition Act.
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to the provisions of the Agriculture Act of 2014, this rulemaking modifies the eligibility requirements for students who are participating in an employment and training education program. It allows students of higher education who are enrolled at least half-time to qualify for the Supplemental Nutrition Assistance Program (SNAP) if they are enrolled in an employment and training program offered by a community college that is part of a career and technical education program as defined by the Carl D. Perkins Career and Technical Education Act of 2006, or in courses for remedial education, basic adult education, literacy or English as a second language that will lead to employment.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.107	Amendment	41 Ill. Reg. 13190; October 27, 2017
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning, this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; peremptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; peremptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; peremptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; peremptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. _____, effective _____.

SUBPART E: HOUSEHOLD CONCEPT

Section 121.75 Students

- a) To participate in the program, students between 18 and 49 who are physically and mentally fit and enrolled at least half-time in an institution of higher education must meet one of the following requirements:

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- 1) employed at least 20 hours per week and paid for this employment or, if self-employed, employed at least 20 hours per week and earn at least 20 times the Federal Minimum Wage;
- 2) approved to participate in a State or federally-funded work study program for the school term and the individual expects to work during that time;
- 3) responsible for the care of a dependent household member under the age of six;
- 4) responsible for the care of a dependent household member, who is at least age six but less than age 12, for whom child care is not available. Child care is considered available only when:
 - A) the child~~(ren)~~ is receiving child care services for 24 or more hours a week; or
 - B) there is a household member age 18 or older, other than the student, who is available to provide the care; (for example, is unemployed and living at home) and the member is not physically or mentally incapacitated; ~~;~~
 - C) ~~In all other circumstances child care is considered not available.~~
- 5) receiving Aid to Families with Dependent Children (AFDC);
- 6) enrolled in a program under the Job Training Partnership Act (JTPA);
- 7) enrolled as a result of the JOBS Program under Title IV of the Social Security Act or its successor;
- 8) enrolled full-time in an institution of higher education and is a single parent or person providing parental control whose spouse is not in the home and is responsible for the care of a dependent child under age 12;
- 9) enrolled in any education or training program (including college) required by the SNAP~~Food Stamp~~ Employment and Training Program; ~~or~~

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- 10) participating in an on-the-job training program; or-
- 11) enrolled in an employment and training program operated by a state or local government, such as those offered by community colleges under a career and technical education program as defined by the Carl D. Perkins Career and Technical Education Act of 2006, or in courses of study for remedial education, basic adult education, literacy, or English as a second language that will lead to employment.
- b) Students must continue to meet the requirements in subsection (a) ~~of this Section~~ during the summer break.
- c) A student is enrolled in an institution of higher education if he or she is enrolled in:
- 1) a business, technical, trade or vocational school that normally requires a high school diploma or the equivalent for enrollment; or
 - 2) regular courses at a college or university that offers degree programs.
- d) ~~A college or university student enrolled in a special program, such as English as a second language or community education courses, is not enrolled in an institution of higher education.~~
- e) A student is subject to the special student eligibility requirements beginning on the first day of the school term at the institution of higher education. Student status continues through normal periods of class attendance, vacations and recesses until:
- 1) the student graduates;
 - 2) the student is expelled or suspended;
 - 3) the student drops out of school;
 - 4) the student does not intend to register for the next term, excluding the summer school session (that is, the student status continues to the end of the term for which the student is presently enrolled and he or she does not plan to enroll for another term).

DEPARTMENT OF HUMAN SERVICES

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long-Term Care Assistants and Aides Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) Section Number: 395.170 Proposed Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking seeks to amend Section 395.170 of the Part to increase the ratio of student-to-instructor for laboratory instructors by one from 15 to 16 students.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 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 does not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton

DEPARTMENT OF PUBLIC HEALTH

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Assistant General Counsel
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: CNA training programs
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Nursing
- 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 PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 395

LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section	
395.50	Definitions
395.55	Incorporated and Referenced Materials
395.100	Program Sponsor
395.110	Application for Program Approval
395.120	Review Process and Program Approval
395.130	Review of Approved Training Program
395.140	Inactive Status
395.150	Minimum Hours of Instruction
395.155	Train the Trainer Program (BNATP Only)
395.156	Train the Trainer Model Program (BNATP Only)
395.160	Instructor Requirements
395.162	Approved Evaluator (BNATP Only)
395.165	Program Coordinator (BNATP Only)
395.170	Program Operation (BNATP Only)
395.171	Health Care Worker Background Check
395.173	Successful Completion of the Basic Nursing Assistant Training Program
395.174	Successful Completion of the Direct Support Person Training Program
395.175	Program Notification Requirements (BNATP Only)
395.180	Department Monitoring (Repealed)
395.190	Denial, Suspension, and Revocation of Program Approval (BNATP Only)
395.200	Other Programs Conducted by Facilities (Repealed)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section	
395.300	Basic Nursing Assistant Training Program
395.310	Developmental Disabilities Aide Training Program (Repealed)
395.320	Direct Support Person Training Program (BNATP Only)
395.330	Psychiatric Rehabilitation Services Aide Training Program

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395.333 Waivered Psychiatric Rehabilitation Services Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

Section

395.400 Proficiency Examination (BNATP Only)

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4057, effective February 13, 1998; amended at 25 Ill. Reg. 4264, effective March 20, 2001; amended at 26 Ill. Reg. 2747, effective February 15, 2002; ; amended at 26 Ill. Reg. 14837, effective October 15, 2002; amended at 37 Ill. Reg. 10546, effective June 27, 2013; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.170 Program Operation (BNATP Only)

- a) A master schedule shall be submitted to the Department 15 business days prior to the start of the actual training program, in accordance with Section 395.110(b)(6) [of this Part](#).
- b) Any change in program content, objectives, or instructors shall be submitted to the Department at least 30 days prior to program start date.
- c) Unscheduled changes in the master schedule shall be promptly reported to the Department.
- d) A BNATP shall require each student to show competency of Department-approved performance skills by hands-on return demonstration. The performance skills evaluation shall be conducted by an Approved Evaluator. If the program is facility-based, an Approved Outside Evaluator shall perform an additional evaluation of performance skills.

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- e) The student-to-instructor ratio shall not exceed eight students per one clinical instructor and ~~16~~5 students per one laboratory instructor.
- f) The BNATP shall provide access to medical equipment and supplies for student practice and demonstration of the required skills outlined in the model program.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) Section Number: 775.20 Proposed Action: Amendment
- 4) Statutory Authority: Grade "A" Pasteurized Milk and Milk Products Act [410 ILCS 635]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update references to several documents that are incorporated by reference in the Grade "A" Pasteurized Milk and Milk Products rules. Documents that are being updated include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories all published the FDA.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: This rulemaking references several documents that are incorporated by reference in the Grade "A" Pasteurized Milk and Milk Products rules. Documents that are being used include the Grade A Pasteurized Milk Ordinance (PMO), the Methods of Making Sanitation Ratings of Milk Shippers (MMSR), the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program of the National Conference on Interstate Milk Shipments and the incorporated sections of the Code of Federal Regulations and the Evaluation of Milk Laboratories all published the FDA.
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Bulk milk hauler/samplers, milk tank truck owners, dairy producers (farms) and processors (plants)
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICSPART 775
GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1	Minimum Regulations (Renumbered)
775.10	Definitions
775.20	Incorporated and Referenced Materials
775.30	Minimum Requirements
775.40	Local Government Implementation
775.50	Permits
775.55	Raw Milk Permit
775.60	Suspension of Permits
775.70	Inspections and Investigations
775.80	Approval of Construction Plans
775.90	Administrative Hearings
775.100	Milk Hauler-Samplers Examination
775.110	Milk Tank Trucks
775.115	Certified Pasteurizer Sealer Program
775.120	Cleaning and Sanitizing Procedures
775.130	Action Levels for Added Water in Milk
775.140	Pesticide, Herbicide and Mycotoxin Residue Control Program (Repealed)
775.150	Drug Residue Control Program

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. 11904, effective September 1, 2001; amended at 25 Ill. Reg. 12629, effective September 25, 2001; amended at 27 Ill. Reg. 15979, effective October 1, 2003; amended at 32 Ill. Reg. 8432, effective May 21, 2008; amended at 35 Ill. Reg. 14193, effective August 2, 2011; amended at 37 Ill. Reg. 7166, effective May 13, 2013; amended at 38 Ill. Reg. 11796, effective May 21, 2014; amended at 39 Ill. Reg. 420, effective December 19, 2014;

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amended at 40 Ill. Reg. 2964, effective January 29, 2016; amended at 42 Ill. Reg. _____, effective _____.

Section 775.20 Incorporated and Referenced Materials

- a) The following regulations, guidelines and standards are incorporated in this Part:
 - 1) Federal government guidelines:
 - A) The Grade A Pasteurized Milk Ordinance (PMO), and Appendices A through R (except Sections 16 and 17) Recommendations of the United States Public Health Service/Food and Drug Administration, ~~20152013~~ Revision (Publication 229). U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835. In addition, the jurisdiction name, left blank in Sections 1, 2, 3, 5, and 11 of the PMO, for the purposes of this Part, shall mean the State of Illinois; and the regulatory agency referred to in Section 1 shall mean the Illinois Department of Public Health. (See Section 775.30(a).)
 - B) Evaluation of Milk Laboratories (~~20152013~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
 - C) Methods of Making Sanitation Ratings of Milk Supplies (~~20152013~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.
 - D) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments (~~20152013~~ Revision), U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Milk Safety Branch (HFS-316), 5100 Paint Branch Parkway, College Park MD 20740-3835.

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- 2) Private and professional standards:
 - A) Standard Methods for the Examination of Dairy Products (17th Edition, 2004, American Public Health Association, 1015 – 18th Street, N.W., Washington, DC 20036). (See Section 775.70(b).)
 - B) Official Methods of Analysis of the Association of Official Analytical Chemists (18th Edition, 2010, Association of Official Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, DC 20044). (See Section 775.70(b).)
 - C) 3-A Sanitary Standards and Accepted Practices (January 5, 2015) (3-A Standards), 3-A Sanitary Standards, Inc., 6888 Elm Street, Suite 2D, McLean VA 22101 (<http://www.3-a.org>).
- 3) Federal regulations:
 - A) 21 CFR 131.110, Milk (~~20152013~~). (See Section 775.10, the definition of "milkfat and nonfat solid content standards".)
 - B) 21 CFR 556, Tolerances for Residues or New Animal Drugs in Food (~~20152013~~). (See Section 775.10, the definition of "violative drug residue".)
 - C) 40 CFR 180, Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food (~~20152013~~). (See Section 775.140(a)(1).)
- b) The following rules and statutes are referenced in this Part:
 - 1) Illinois Plumbing Code (77 Ill. Adm. Code 890), Illinois Department of Public Health. (See Section 775.30(c)(4).)
 - 2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), Illinois Department of Public Health. (See Section 775.90.)
 - 3) Food Service Sanitation Code (77 Ill. Adm. Code 750).

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- 4) The Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].
 - 5) Illinois Administrative Procedure Act [5 ILCS 100].
 - 6) Food Handling Regulation Enforcement Act [410 ILCS 625].
- c) All incorporations by reference of federal guidelines and regulations and the standards of professional organizations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.
 - d) All citations to federal regulations in this Part concern the specified regulation in the [20152013](#) Code of Federal Regulations, unless another date is specified.
 - e) Copies of all incorporated materials are available for inspection and copying by the public at the Department's Central Office, Division of Food, Drugs, and Dairies, 525 West Jefferson Street, Springfield IL 62761.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hours-of-Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
395.1000	Amendment
395.1500	New Section
395.2000	Amendment
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: At Section 395.1000, Purpose and Applicability, the Department is amending subsection (b) to include exceptions that are currently listed in Section 395.2000(c) (5) and (6). The Department is also adding an agency note to remind the reader that definitions for terms used in this Part can be found in 92 Ill. Adm. Code 390.

At the newly created Section 395.1500, the Department is designating who may enforce this Part and how notification to the motor carrier is accomplished.

At Section 395.2000(a), the Department is updating the edition date of 49 CFR 395, Hours-of-Service of Drivers, to October 1, 2017, the most recent edition of 49 CFR. The newest edition of the CFR implements electronic logging devices (ELDs) with an implementation date of December 18, 2017. The Department is also updating the contact information for this Part. The Division of Traffic Safety was dissolved in February 2016 and the duties moved to the Office of Finance and Administration and to the Office of Program Development within the Department of Transportation.

At Section 395.2000(c)(3), the Department is removing the language substituted for 49 CFR 395.13 and will no longer exclude 49 CFR 395.13 from incorporation.

The Department is removing 395.2000(c)(4) because this language is almost verbatim to 49 CFR 395.1(k) which is part of the incorporated materials.

The Department is moving the exceptions listed in Sections 395.2000(c)(5) and (c)(6) to Section 395.1000 which is a more appropriate location.

The Department is removing the agency note at the end of Section 395.2000.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects small businesses that own or operate commercial motor vehicles in Illinois.
 - B) Reporting, bookkeeping, or other procedures required for compliance: Businesses that operate commercial motor vehicles that are subject to the requirements of Part 395 will be required to purchase electronic logging devices (ELDs). In

DEPARTMENT OF TRANSPORTATION

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addition, record keeping procedures may need to be adjusted to accommodate ELDs.

- C) Types of professional skills necessary for compliance: No impact is anticipated.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear on either of the two most recent regulatory agendas.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395
HOURS-OF-SERVICE OF DRIVERS

Section

395.1000	Purpose and Applicability
395.1500	Enforcement
395.2000	Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 29 Ill. Reg. 19264, effective November 10, 2005; amended at 30 Ill. Reg. 5642, effective March 8, 2006; amended at 32 Ill. Reg. 10433, effective June 25, 2008; amended at 37 Ill. Reg. 18346, effective November 4, 2013; amended at 40 Ill. Reg. 2050, effective January 8, 2016; amended at 42 Ill. Reg. _____, effective _____.

Section 395.1000 Purpose and Applicability

- a) This Part prescribes the hours-of-service requirements for drivers of commercial motor vehicles in Illinois.
- b) This Part does not apply to: ~~drivers of utility service vehicles as defined in 92 Ill. Adm. Code 390.1020.~~
 - 1) Drivers of utility service vehicles or of covered farm vehicles.

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- 2) Farm to market agricultural transportation that is engaged in intrastate commerce.
- 3) Grain hauling operations that are engaged in intrastate commerce within a 200 air mile radius of the normal work reporting location.

AGENCY NOTE: See 92 Ill. Adm. Code 390 for definitions of terms or phrases used in this Part.

- e) ~~This Part does not apply to drivers of covered farm vehicles as defined in 92 Ill. Adm. Code 390.1020.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 395.1500 Enforcement

- a) All employees of the Illinois State Police that are trained and certified to conduct commercial vehicle inspections are authorized to declare a driver out of service, consistent with their level of certification, and to notify the motor carrier of that declaration. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Driver/Vehicle Inspection (Examination) Report to the driver.
- b) The Department and the Illinois State Police shall have the authority to enforce this Part against persons other than drivers. (See Section 18b-109 of the Illinois Motor Carrier Safety Law (the Law).)

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours-of-Service of Drivers" (49 CFR 395) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Subchapter B)~~380, 382, 383, 385, appendix B of 386, 387, 390, 391, 392, 393, 395, 396 and 397~~) was in effect on October 1, ~~2017~~2014, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated. Copies of 49 CFR 395 are available for inspection at 2300 South Dirksen Parkway, Springfield, Illinois 62764 or by calling 217/785-1181.

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~~The incorporated CFR may also be accessed via the U.S. Government Publishing Office's website at <http://www.ecfr.gov>. The appropriate material are available from the Division of Traffic Safety, 1340 N 9th Street, Springfield, Illinois 62702 or by calling 217/785-1181. The FMCSR are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/safety.html>.~~

- b) References to subchapters, parts, subparts, sections, or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 395 shall apply for purposes of this Part.
 - 1) 49 CFR 395.1(h) and 395.1(i) are ~~deleted and~~ not incorporated.
 - 2) 49 CFR 395.1(e)(1) as it applies to intrastate carriers is amended to establish that *drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.* (Section 18b-105(d) of the ~~Illinois Motor Carrier Safety Law (the Law)~~ [625 ILCS 5/18b-105(d)])
 - 3) ~~49 CFR 395.13 is not incorporated and the following substituted therefor:~~
 - A) ~~Authority to declare drivers out of service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out of service under the "North American Uniform Out of Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4, 5, 6 or 7 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out of service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out of service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.~~

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~~B) Out-of-Service Criteria~~

- ~~i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.~~
- ~~ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior 7 consecutive days.~~
- ~~iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.~~

~~C) Responsibilities of Motor Carriers~~

- ~~i) No motor carrier shall:~~
 - ~~• Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395.~~
 - ~~• Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395 and is in compliance with this Section. The appropriate consecutive hours off duty period may include sleeper berth time.~~
- ~~ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the~~

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~~Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.~~

D) ~~Responsibilities of the Driver~~

- ~~i) No driver who has been declared out of service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.~~
- ~~ii) No driver who has been declared out of service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for the appropriate number of consecutive hours required by 49 CFR 395 and is in compliance with this Section.~~
- ~~iii) A driver to whom a form has been tendered declaring the driver out of service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.~~
- ~~iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.~~

E) ~~Subsection (c)(3) does not apply to drivers of covered farm vehicles as defined in 92 Ill. Adm. Code 390.1020.~~

- 4) This Part shall not apply to drivers engaged in agricultural operations, as defined in Section 18b-101 of the Law, that:
 - A) Are transporting agricultural commodities, as defined in Section 18b-101 of the Law, to a location within a 150 air mile radius from the source; or
 - B) Are transporting farm supplies for agricultural purposes, as defined in Section 18b-101 of the Law, from a wholesale or retail

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~~distribution point, as defined in 92 Ill. Adm. Code 390.1020, of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air mile radius from the distribution point; or~~

- ~~C) Are transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air mile radius from the wholesale distribution point.~~
- ~~5) Part 395 shall not apply to all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(e)(6) of the Law)~~
- ~~6) Part 395 shall not apply to any grain hauling operations that are engaged in intrastate commerce within a radius of 200 air miles of the normal work reporting location. (Section 18b-105(e)(6) of the Law)~~
- d) A contract carrier shall limit the hours of service~~hours of service~~ by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again. (Section 18b-106.1 of the Law) If the driver drives over 12 hours per day or performs more than 15 hours of on-duty service per day, the driver must complete a log book for that day.

~~AGENCY NOTE: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from 92 Ill. Adm. Code 390, 392, 393, 396 and 397 for applicable intrastate public utility commercial motor vehicles.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading Of the Part: Certificate of Education and Examination Requirements
- 2) Code Citation: 23 Ill. Adm. Code 1400
- 3) Section Number: 1400.90 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26, as amended by PA 98-254, effective August 9, 2013].
- 5) Effective Date of Rule: November 21, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file at the principal office of the Illinois Board of Examiners and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 7699; July 7, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Formal and technical changes suggested by the Joint Committee on Administrative Rules have been made.
- 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 current in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment clarifies and amends current educational requirements necessary for admission to take the Uniform Certified Public Accountant examination after June 30, 2011.

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

Russ Friedewald, Executive Director
Illinois Board of Examiners
1120 E. Diehl Road, Suite 107
Naperville IL 60563

815/753-8900

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VI: BOARD OF EXAMINERS

PART 1400

CERTIFICATE OF EDUCATION AND EXAMINATION REQUIREMENTS

Section

1400.10	Administrative Functions
1400.20	Duties of the IBOE
1400.30	Appointment to the Board of Examiners
1400.40	Board Address
1400.50	Organization and Compensation of the Board of Examiners
1400.55	Admission to the Examination; Issuance of Reciprocal Certified Public Accountant Certificates (Repealed)
1400.60	Filing of the Application and Payment of Fees
1400.70	Rebate of Fees
1400.80	Appeals; Hearings
1400.90	The Educational Requirement
1400.100	Examinations – General
1400.105	Examinations – Misconduct
1400.110	Examinations – Uniform Examination – Non-Disclosure – Security
1400.115	Examinations – Required Confidentiality Statements
1400.116	Examination – Violations
1400.117	Examinations – Penalties for Violation of Non-Disclosure Provisions
1400.120	Examinations – Frequency
1400.130	Examinations – Scope
1400.140	Examinations – Length
1400.150	Examinations – Preparations and Scoring
1400.160	Transitional Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates
1400.170	Re-Examination
1400.175	Candidate Request for Scoring Review
1400.177	Required Exam on Rules of Professional Conduct
1400.180	Certificate of Education and Examination Requirement – Awarding
1400.190	Retention of Records
1400.200	Disposition of Fees
1400.210	Granting Variances

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AUTHORITY: Implementing and authorized by Sections 2 and 26 of the Illinois Public Accounting Act [225 ILCS 450/2, 26].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days; transferred from Chapter V, 23 Ill. Adm. Code 1300 (Board of Trustees) pursuant to 225 ILCS 450, January 1, 1994, at 19 Ill. Reg. 6325; amended at 20 Ill. Reg. 6262, effective May 1, 1996; amended at 21 Ill. Reg. 13315, effective September 26, 1997; amended at 28 Ill. Reg. 4548, effective March 5, 2004; emergency amendment at 28 Ill. Reg. 16485, effective December 17, 2004, for a maximum of 150 days; emergency expired May 15, 2005; amended at 29 Ill. Reg. 19524, effective November 21, 2005; emergency amendment at 31 Ill. Reg. 11373, effective July 27, 2007, for a maximum of 150 days; emergency expired December 23, 2007; amended at 35 Ill. Reg. 16071, effective September 26, 2011; amended at 40 Ill. Reg. 9963, effective July 7, 2016; amended at 41 Ill. Reg. 14932, effective November 21, 2017.

Section 1400.90 The Educational Requirement

- a) Requirements Applicable Until January 1, 2001
 - 1) As provided in Section 3 of the Act, to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois Uniform Certified Public Accountant examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of accounting, auditing and business law, provided not more than 6 semester hours shall be in business law. Candidates may apply to take the Illinois CPA examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.
 - 2) Acceptable credit recognized by the Board is:
 - A) credit earned from a college or university that is a candidate for or is accredited by a regional accrediting association that is a member

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of the Commission on Recognition of Postsecondary Accreditation (CORPA);

- B) credit earned at a business school or college of business within the educational institution that is accredited by the American Assembly of Collegiate Schools of Business (AACSB); or
 - C) Association of Collegiate Business Schools and Programs (ACBSP).
- b) Requirements Applicable from January 1, 2001 Until July 1, 2013
- 1) To be admitted to take the examination for the first time after January 1, 2001 until July 1, 2013, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit and earned a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the four conditions listed in subsections (b)(1)(A) through (D). With each of the conditions listed, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.
 - A) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.
 - B) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 additional semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting.
 - C) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and

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completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting, and completed at least 24 additional semester hours of business courses, or substantially equivalent (other than accounting) courses, at the undergraduate or graduate level.

- D) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and completed at least 24 additional semester hours in business courses or substantially equivalent (other than accounting) courses at the undergraduate or graduate level.
- 2) For purposes of subsection (b)(1), the formula for conversion of quarter hours to semester hours is to multiply quarter hours by two-thirds.
 - 3) Authorization to Test
 - A) Except as otherwise provided in subsection (b)(3)(B), proof of satisfactory completion of all educational requirements must be received by the Board before the Board issues an authorization to test.
 - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. Candidates granted provisional approval shall be allowed 120 days from the date of taking the first section of the examination to provide evidence that all requirements have been completed. No grades will be released to the candidate until all final official credentials are received with degree posted, if required, and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within 120 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.

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- c) Requirements Applicable Beginning July 1, 2013
 - 1) Examination Qualifications
 - A) Beginning July 1, 2013, an applicant must provide proof of successful completion of:
 - i) 150 semester credit hours, as defined, of college or university study; and
 - ii) a baccalaureate or higher degree; and
 - iii) the requirements set out in subsection (c)(3).
 - B) Applicants who have taken the Uniform Certified Public Accountant Examination at least once before July 1, 2013 may take the examination under the qualifications in effect when the examination was first taken.
 - 2) Definitions
 - A) Board – Illinois Board of Examiners (IBOE).
 - B) Semester Credit Hours or SCH accredited college or university semester credit hours.
 - C) 150 SCH – minimum number of credit hours earned and posted to the applicant's official college or university transcripts.
 - D) Conversion of Quarter Credit Hours to SCH – quarter credit hours may be converted to SCH by multiplying quarter credit hours by two-thirds.
 - E) Internship – faculty approved and appropriately supervised short-term work experience, usually related to student's major field of study, for which the student earns academic credit as posted to the applicant's official college or university transcripts.

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- F) Life Experience – college level life experience posted on a college or university transcript as academic credit that has been assessed by appropriate faculty and/or staff of that institution as earned competence. Those areas addressed in the review of life experience should, at a minimum, contain the context of the experience in relation to work and studies and a detailed description of the experience.
- G) Colleges or Universities – Board-recognized institutions of higher education accredited by a national or regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA), the U.S. Department of Education (USDE) and/or any accreditation organization approved by the Board. Recognition means the accrediting organization is certified as legitimate and competent. An individual program within a larger accredited institution may be separately accredited by a professional or specialized organization. Business schools recognized by the Board are accredited by the Association to Advance Collegiate Schools of Business (AACSB) or the Association of Collegiate Business Schools and Programs (ACBSP).
- H) Integration of Subject Matter – program of learning in which certain subjects that may be discrete courses in some colleges or universities are integrated or embedded within related courses. Colleges or universities that use an integrated approach to cover multiple course subjects will need to provide evidence of the required coverage. Acceptance of integration of any subject matter is subject to Board approval. Proof of coverage may be provided through specific evaluation by a national accrediting organization recognized by CHEA, such as AACSB or ACBSP, in which evidence is provided to assure the Board that the respective subjects adequately cover the desired content.
- I) Ethics – program of learning that provides a framework of ethical reasoning, professional values and attitudes for exercising professional skepticism and other behavior that is in the best interest of the public and profession. At a minimum, an ethics

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program should provide a foundation for ethical reasoning and the core values of integrity, objectivity and independence.

- J) Graduate Accounting Credit Hours – hours earned in courses classified by the college or university as post-secondary level courses leading to a master's degree. For purposes of meeting the accounting hours requirement, one graduate SCH is equivalent to 1.6 SCH earned at the undergraduate level.
 - K) Applicant – person who has applied to sit for the Uniform Certified Public Accountant Examination.
 - L) Research and Analysis in Accounting or R&A may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of R&A that will be credited within the related course toward satisfying the R&A requirement.
 - M) Business Communication, or BC may be a stand-alone course or integrated into a related course or courses. If integrated in a related course or courses, colleges and universities will determine the amount of BC that will be credited within the related course toward satisfying the BC requirement.
 - N) Authorization to Test or ATT – issued to candidates approved by the Board of Examiners to take the Certified Public Accountant (CPA) Examination.
 - O) National Association of State Boards of Accountancy or NASBA – the national organization for all State Boards of Accountancy.
- 3) Examination Admittance
An applicant will be deemed to have met the educational requirement if, as part of the 150 SCH of education, or equivalent as determined by the Board, the applicant has met any one of the following three conditions:
- A) Earned a graduate degree from an accounting program that is accredited in accounting by an accrediting agency recognized by the Board (see subsection (c)(2)(G));

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- B) Earned a graduate degree from a business or accounting program that is accredited in business by an accrediting agency recognized by the Board (see subsection (c)(2)(G)) and completed at least 30 SCH in accounting as described in subsection (c)(4) at the undergraduate level;
- C) Earned a baccalaureate or higher degree (except as defined (c)(3)(A) or (B)) from an accredited education institution recognized by the Board (see subsection (c)(2)(G)) and:
 - i) completed 30 SCH in accounting, as described in subsection (c)(4), at the undergraduate level, or the equivalent at the graduate level; and
 - ii) completed at least 24 SCH in business other than accounting, as described in subsection (c)(5), at the undergraduate or graduate level.
- 4) Accounting Course Requirements
 - A) Research and Analysis in accounting courses are those courses commonly included in the accounting curriculum. The required 30 SCH in accounting must include:
 - i) Financial accounting;
 - ii) Auditing;
 - iii) Taxation;
 - iv) Management accounting;
 - v) Research and Analysis (at least two SCH).
 - B) Internships and life experience credits included in the 30 SCH in accounting are limited to a maximum of three SCH.
- 5) Business Course Requirements

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- A) Business courses are those courses commonly included in the business curriculum.
 - B) Internships and life experience credits included in the 24 SCH in business are limited to a maximum of three SCH.
 - C) A maximum of three SCH of business internships and/or life experience credit hours may be included in the 24 SCH in business. Additional business internship and/or life experience credit hours may be used to meet a maximum of three SCH in accounting internships or life experience. An additional six SCH of internship and/or life experience credit hours may count toward satisfying the non-accounting or non-business hours required to sit for the CPA examination.
 - D) The 24 SCH in business must include two SCH in business communication and three SCH in business ethics. The subject matter may be discrete courses or integrated throughout the undergraduate or graduate accounting curriculum or business curriculum. For example, if a three SCH course in accounting includes one SCH in business ethics, two SCH may count toward accounting requirements and one SCH may count toward the business ethics requirement.
- 6) Evaluation of International Credentials
NASBA is the only organization authorized by the Board to conduct international credential evaluations on behalf of the Board. Evaluations of international credentials completed by outside agencies other than IBOE or NASBA are not accepted. Factors that are considered when evaluating foreign educational credentials are:
- A) The official status of the institution that issued the credentials;
 - B) The type of education that the credential represents: secondary, tertiary, academic, technical, vocational, pre-professional, in-service, or part of a certificate, diploma or degree program;
 - C) The authenticity of the credential;

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- D) The role the credential plays in the educational system of the country from which it came;
 - E) The recognition of the credential in the country where the candidate is from; and
 - F) The U.S. equivalent of the quantity and quality of education the credential represents.
- 7) Authorization to Test
- A) Except as otherwise provided in subsection (c)(7)(B), proof of satisfactory completion of all educational requirements must be approved by the Board before the Board will issue an authorization to test.
 - B) First time candidates who apply for the examination will be granted provisional approval of in-progress courses taken at domestic institutions. The Board must receive all final transcripts from provisional candidates, including degree posted (if required), within ~~150~~20 days from the date of taking the first section of the examination. No grades will be released to the candidate until all final official credentials are received and eligibility verified by Board staff. If final transcripts verifying completion of all courses for eligibility to sit are not received by the Board within ~~150~~20 days after taking the first examination section of the computer-based examination, grades for all examination sections authorized with provisional approval will be voided.
 - C) Provisional Candidates
 - i) Provisional candidates completing required courses in the spring term must complete at least one section of the CPA examination by September 1 of the same year or the provisional status will be revoked.
 - ii) Provisional candidates completing required courses in the summer term must complete at least one section of the CPA

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examination by December 1 of the same year or the provisional status will be revoked.

- iii) Provisional candidates completing required courses in the fall term must complete at least one section of the CPA examination by March 1 of the following year or the provisional status will be revoked.
 - iv) Provisional candidates completing required courses in the winter term must complete at least one section of the CPA examination by June 1 of the same year or the provisional status will be revoked.
- D) Only one provisional ATT will be issued per candidate and no changes to the courses in progress may be made once received and approved by the Board.

(Source: Amended at 41 Ill. Reg. 14932, effective November 21, 2017)

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>
250.100	Amendment
250.105	Amendment
250.750	Amendment
250.1510	Amendment
250.2420	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rules: November 27, 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. 10257; July 28, 2107
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference between Proposal and Final Version: 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.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements PA 99-454 which prohibited hospitals and other health care providers from billing sexual assault survivors for emergency care and forensic services. This rulemaking also inserts statutory language

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that clarifies the statutory-mandated deadlines for which the Department must conduct onsite inspections of construction projects and provide written approval for occupancy of new construction.

- 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

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

DEPARTMENT OF PUBLIC HEALTH

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

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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

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- 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

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250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
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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,

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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; amended at 41 Ill. Reg. 14945, effective November 27, 2017.

SUBPART A: GENERAL PROVISIONS

Section 250.100 Definitions

Abnormal Slide – a slide not having the characteristics of healthy tissue.

Act – the Hospital Licensing Act [210 ILCS 85].

Allied Health Personnel – persons other than medical staff members, licensed or registered by the State of Illinois or recognized by an organization acceptable to

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the Department and recognized to function within their licensed, registered or recognized capacity by the medical staff and the governing authority of the hospital.

Control Materials – a sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. The control materials are routinely analyzed along with patient specimens to determine the precision and accuracy of the analytical process used.

Demonstration of proficiency – a laboratory meeting the standards for acceptable proficiency testing as stated in Section 250.530 by means of on-site analysis of specimens sent to the laboratory by agencies approved by the Department for that purpose.

Dentist – any person licensed to practice dentistry as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department – the Illinois Department of Public Health.

Drugs – the term "drugs" means and includes:

articles recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to either of them and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and

articles having for their main use and intended for use as a component or any articles specified in this definition but does not include devices or their components, parts or accessories.

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Federally designated organ procurement agency – the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located; except that in the case of a hospital located in a county adjacent to Wisconsin which currently contracts with an organ procurement agency located in Wisconsin that is not the organ procurement agency designated by the U.S. Secretary of Health and Human Services for the service area in which the hospital is located, if the hospital applies for a waiver pursuant to 42 USC 1320b-8(a), it may designate an organ procurement agency located in Wisconsin to be thereafter deemed its federally designated organ procurement agency for the purposes of the Act. (Section 3(F) of the Act)

Follow-up healthcare – healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days after the initial visit for hospital emergency services. (Section 1a of the Sexual Assault Survivors Emergency Treatment Act)

Hospital – the term "hospital" shall have the meaning ascribed in Section 3(A) of the Act.

Hospitalization – the reception or care of any person in any hospital either as an inpatient or as an outpatient.

House Staff Member – an individual who is a graduate of a medical, dental, osteopathic, or podiatric school; who is licensed as appropriate; who is appointed to the hospital's medical, osteopathic, dental, or podiatric graduate training program that is approved or recognized in accordance with the statutory requirements applicable to the practitioner; and who is participating in patient care under the direction of licensed practitioners who have clinical privileges in the hospital and are members of the hospital's medical staff.

Licensed Practical Nurse – a person with a valid Illinois license to practice as a practical nurse under the Nurse Practice Act.

Medical Staff – an organized body composed of the following individuals granted the privilege by the governing authority of the hospital to practice in the hospital: persons who are graduates of a college or school approved or recognized by the Illinois Department of Financial and Professional Regulation, and who are currently licensed by the Department of Financial and Professional Regulation to

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practice medicine in all its branches; practice dental surgery; or, practice podiatric medicine in Illinois, regardless of the title of the degree awarded by the approving college or school.

Medicines – drugs or chemicals or preparations of drugs or chemicals in suitable form intended for and having for their main use the prevention, treatment, relief, or cure of diseases in man or animals when used either internally or externally.

Normal Slide – a slide having the characteristics of healthy tissue.

Nurse – a registered nurse or licensed practical nurse as defined in the Nurse Practice Act.

Nursing Staff – registered nurses, licensed practical nurses, nursing assistants and others who render patient care under the supervision of a registered professional nurse.

Patient Care Unit or Nursing Care Unit – an organized unit in which nursing services are provided on a continuous basis. This unit is a clearly defined administrative and geographic area to which specific nursing staff is assigned.

Pharmacist – a person who is licensed as a pharmacist under the Pharmacy Practice Act.

Pharmacy – the term "Practice of Pharmacy" includes, but is not limited to:

the soliciting of prescriptions;

the compounding of prescriptions;

the dispensing of any drug or medicine on a prescription;

the transfer of any drug or medicine from one container into another container that is to be delivered to or for the ultimate patient, on a prescription, or to or for the ultimate consumer, without a prescription;
and

the placing of directions for use or other required labeling information on a container of any drug or medicine which is to be delivered to or for the

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ultimate consumer, without a prescription.

The term "pharmacy" or "a drug store" as referred to in Section 3 of the Pharmacy Practice Act, means and includes that area licensed by the Department of Financial and Professional Regulation in which the practice of pharmacy is conducted. Any room or designated area where drugs and medicines are dispensed (including the repackaging for distribution to a nursing station or storage area) shall be considered to be a pharmacy and be licensed by the Department of Financial and Professional Regulation.

Physical Rehabilitation Facility – a licensed specialty hospital or clearly defined special unit or program of an acute care hospital providing physical rehabilitation services either through the facility's own staff members or when appropriate, through the mechanism of formal affiliations and consultations.

Physical Rehabilitation Services – a complete, intensive multi-disciplinary process of individualized, time-limited, goal-oriented services, including evaluation, restoration, personal adjustment, and continuous medical care under the supervision and direction of a physician "qualified by training and experience in physical rehabilitation." Physical rehabilitation has two major components: inpatient and outpatient care. Both components involve the patient and, whenever possible, the family in establishing treatment goals and discharge plans, and consist of the following scope of services available for inpatient care: physician, rehabilitation nursing, physical therapy, occupational therapy, speech therapy, audiology, prosthetic and orthotic services, as well as rehabilitation counseling, social services, recreational therapy, psychology, pastoral care, and vocational counseling. Basic scope of services for outpatient facilities shall include at least a physician, physical therapy, occupational therapy, speech therapy, vocational services, psychology and social service. The purpose of multi-faceted services is to reduce the disability and dependency in activities of daily living while promoting optimal personal adjustment in dimensions such as psychological, social, economic, spiritual and vocational.

Physician – a person licensed to practice medicine in all of its branches as provided in the Medical Practice Act of 1987.

Physician's Assistant – a person authorized to practice under the Physician Assistant Practice Act of 1987.

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Podiatrist – a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

Reference Materials – a sample in which the chemical composition and physical properties resemble the specimen to be analyzed on which sufficient analyses have been run to give a reasonably good approximation of the concentration of the constituent being assayed. The reference materials are routinely analyzed along with patient specimens to determine the precision and accuracy of the analytical process used.

Registered Nurse – a person with a valid Illinois license to practice as a registered professional nurse under the Nurse Practice Act.

Safe Lifting Equipment and Accessories – mechanical equipment designed to lift, move, reposition, and transfer patients, including, but not limited to, fixed and portable ceiling lifts, sit-to-stand lifts, slide sheets and boards, slings, and repositioning and turning sheets. (Section 6.25(a) of the Act)

Save Lifting Team – at least 2 individuals who are trained in the use of both safe lifting techniques and safe lifting equipment and accessories, including the responsibility for knowing the location and condition of such equipment and accessories. (Section 6.25(a) of the Act)

Standard Solution – a solution used for calibration in which the concentration is determined solely by dissolving a weighted amount of primary standard material in an appropriate amount of solvent.

Tissue bank – any facility or program operating in Illinois that is certified by the American Association of Tissue Banks or the Eye Bank Association of America and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank. For the purposes of the Act, "tissue" does not include organs. (Section 3(G) of the Act)

(Source: Amended at 41 Ill. Reg. 14945, effective November 27, 2017)

Section 250.105 Incorporated and Referenced Materials

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

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- 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 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.)

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- 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
 - 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 Edition (2012), 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 Edition (2014), 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, 28th Edition (2009), which may

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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 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 (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 (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-

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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 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 433rd Street, 4th 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 13th Street, NW, Suite 500 North, Washington DC 20005, or from 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,

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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 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", 10th Revision, Clinical Modification (ICD-10-CM) (1990), Version for 2015, 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)

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- C) 42 CFR 482, Conditions of Participation for Hospitals (October 1, 2014)
 - D) 21 CFR, Food and Drugs (April 1, 2014)
 - 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]

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- D) Safety Glazing Materials Act [430 ILCS 60]
- J) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- K) Nurse Practice Act [225 ILCS 65]
- 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

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- BB) Alternative Health Care Delivery Act [210 ILCS 3]
- CC) Gestational Surrogacy Act [750 ILCS 47]
- DD) Code of Civil Procedure [\(Medical Studies\)](#) [735 ILCS 5/8-2101]
- [EE\) Sexual Assault Survivors Emergency Treatment Act \[410 ILCS 70\]](#)

2) State of Illinois 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)

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- 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)
 - 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:

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- 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. 14945, effective November 27, 2017)

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

Section 250.750 Emergency Services for Sexual Assault Victims

- a) All hospitals providing emergency services ~~shall be required to~~ render care to victims of sexual assault. ~~The Such~~ care shall be in accordance with 77 Ill. Adm. Code 545.60 ~~(Treatment of Sexual Assault Survivors) the Victims.~~
- b) A hospital may fulfill its obligation to provide emergency service to sexual assault victims by participating in an areawide plan for emergency service in accordance with 77 Ill. Adm. Code 545.50 ~~(Areawide Sexual Assault Treatment Plans) Treatment of Sexual Assault Victims, as now or hereafter amended.~~
- c) Pursuant to, but not limited to, Sections 7 and 7.5 of the Sexual Assault Survivors Emergency Treatment Act, a hospital shall not seek payment from a sexual assault survivor who presents at a hospital for emergency and forensic services. If the Department becomes aware that a sexual assault survivor has been billed for treatment, the Department will refer the matter to the Office of the Attorney General for enforcement.
- d) The hospital shall provide a sexual assault survivor with a voucher. For the purposes of this Section, a voucher is a document generated by a hospital at the time the sexual assault survivor receives hospital emergency and forensic services that a sexual assault survivor may present to providers for follow-up healthcare. (Section 1a of the Sexual Assault Survivors Emergency Treatment Act)

(Source: Amended at 41 Ill. Reg. 14945, effective November 27, 2017)

SUBPART L: RECORDS AND REPORTS

Section 250.1510 Medical Records

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- a) Facilities
 - 1) The hospital shall maintain medical record facilities with adequate supplies and equipment.
 - 2) Medical records shall be stored safely. Medical records shall be handled so as to assure safety from water seepage or fire damage and are to be safeguarded from unauthorized use.
- b) Organization
 - 1) Responsible Personnel
 - A) A qualified health information practitioner (registered health information administrator or accredited health information technician) shall be employed or contracted as the director of the medical records department.
 - B) The director of the medical records department shall participate in educational programs relative to health information activities, on-the-job training and orientation of other medical record personnel, and in-service health information educational programs. Professional consultation services shall be provided for the health information practitioner.
 - 2) An adequate, accurate, timely, and complete medical record shall be maintained for each patient. Minimum requirements for medical record content are:
 - A) Patient identification and admission information;
 - B) The history of the patient as to chief complaints, present illness and pertinent medical history, family history, and social history;
 - C) A physical examination report;
 - D) Provisional diagnosis;
 - E) Diagnostic and therapeutic reports on laboratory test results, x-ray

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findings, any surgical procedure performed, any pathological examination, any consultation, and any other diagnostic or therapeutic procedure performed;

- F) Orders and progress notes made by the attending physician and, when applicable, by other members of the medical staff and allied health personnel;
 - G) Observations notes and vital sign charting made by nursing personnel; and
 - H) Conclusions as to the primary and any associated diagnoses; brief clinical resume; disposition at discharge, including instructions and medications; and any autopsy findings on a hospital death.
- 3) For record requirements pertaining to obstetric patients and newborn infants, see Section 250.1830(h).
 - 4) A committee of the organized medical staff shall be responsible for reviewing medical records to ensure adequate documentation, completeness, promptness, and clinical pertinence.
 - 5) The hospital shall establish requirements for the completion of medical records and for the retention period for medical records. Definite policies and procedures pertaining to the use of medical records and the release of medical record information shall be issued, and discharge diagnoses shall be expressed in terminology of a recognized disease nomenclature.
 - 6) When a hospital provides a sexual assault survivor with a voucher in compliance with Section 250.750(d), the hospital shall make a copy of the voucher and place it in the medical record of the sexual assault survivor. The hospital shall provide a copy of the voucher to the sexual assault survivor after discharge upon request. (Section 5(b-5) of the Sexual Assault Survivors Emergency Treatment Act)
- c) Authentication of Medical Record Entries
 - 1) All entries into the medical record shall be authenticated by the individual who made or authorized the entry. "Authentication," for purposes of this

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Section, means identification of the author of a medical record entry by that author, and confirmation that the contents are what the author intended, except that telephone orders may be authenticated by the ordering practitioner or another practitioner who is responsible for the care of the patient and who is authorized to write orders pursuant to Section 250.330.

- 2) Medical record entries shall include all notes, orders or observations made by direct patient care providers and any other individuals required to make the entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments, including, but not limited to, radiologic or electrocardiographic reports, operative reports, reports of pathologic examination of tissue and other similar reports. The medical record may include entries that are transmitted by facsimile machine, provided that the faxed copies are on non-thermal paper and that the faxed copies are dated and authenticated pursuant to hospital policy approved by the medical staff.
- 3) Written signatures or initials and electronic signatures or computer-generated signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer-generated, shall include the initials of the signer's credentials.
- 4) If a hospital uses electronic signatures or computer-generated signature codes for authentication purposes, the hospital's medical staff and governing board shall adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the hospital who are authorized to authenticate patient records using electronic or computer-generated signatures.
- 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user shall be assigned a unique identifier that is generated through a confidential access code.
 - B) The hospital shall certify in writing that each identifier is kept strictly confidential. This certification shall include a commitment

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to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.

- C) The user shall certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - D) The hospital shall monitor the use of identifiers periodically and take corrective action as needed. The process by which the hospital will conduct the monitoring shall be described in the policy.
- 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
- A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that previously authenticated entries are corrected or supplemented by additional entries, separately authenticated and made after the original entry.
 - B) The system shall allow the user to verify that the document is accurate and that the signature has been properly recorded.
 - C) The hospital shall, as part of its quality assurance activities, periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the Director of Medical Records or other person designated by the hospital's policy.

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- 8) Each report generated by a user shall be separately authenticated.
- d) Indexing
- 1) A patient index that serves as a key to the location of the medical record of each person who is or has been an inpatient shall be maintained as a perpetual master index. A daily register of patients admitted to the hospital and babies born in the hospital shall be maintained.
 - 2) Medical records shall be classified and indexed according to diagnoses, surgical procedures, and physician, and other indices shall be developed as deemed necessary for the advancement of medical care.
 - 3) The International Classification of Diseases shall be used as the statistical classification for purposes of uniformity and ~~compatibility~~~~compatability~~ of data between and among hospitals.
- e) Preservation
- 1) All original medical records or photographs of records shall be preserved in accordance with Section 6.17 of the Act.
 - 2) The hospital shall have a policy for the preservation of patient medical records if the hospital closes.

(Source: Amended at 41 Ill. Reg. 14945, effective November 27, 2017)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility

- a) New Construction, Addition, or Major Alteration
- 1) ~~When construction is contemplated,~~ For all construction of either ~~for~~ new buildings or additions or ~~material~~ alterations to existing buildings coming within the scope of this Part, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from

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the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within 30 days after receipt by the Department.

- 2) Final Drawings
 - A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to the beginning of construction. Alternative methods of design development and construction may be acceptable subject to the approval of the Department. Department approval is ~~null and~~ void if construction contracts are not executed and construction is not started within one year after the plan approval date. Comments by the Department shall be provided within 60 days after the day on which the submission is deemed complete.
 - B) The Department shall be notified of the award of construction contracts.
- 3) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to ~~proceeding with~~ ~~authorizing the~~ modifications. Comments or approval shall be provided within 30 days after receipt by the Department.
- 4) The Department will conduct an on-site inspection of the completed project no later than 15 business days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department may extend this deadline only if a federally mandated survey time frame takes precedence. The Department will provide written approval for occupancy to the applicant within 5 working days after the Department's final inspection, provided the applicant has demonstrated substantial compliance. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in Section 8(g) of the Act and this subsection (a)(4), in which case the construction shall be deemed approved. Occupancy will be authorized after any required health inspection by the Department has been conducted. (Section 8(g) of the Act)~~The Department shall be notified when construction has been~~

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~~completed or whenever any area is occupied.~~

- 5) As-built drawings shall be maintained by the hospital. For the purposes of this Section, "as-built drawings" are the original design drawings revised to reflect any changes made in the field, including, but not limited to, design changes issued by change order, component relocations required for coordination, or rerouting of distribution systems.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire safety, and that do not add beds or facilities over those for which the hospital is licensed do not need to need not be submitted for approval.
- c) Alterations of Water Supply, Plumbing and Drainage. No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor shall any ~~such~~ existing system be ~~materially~~ altered or extended, until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.
- d) Codes and Standards
 - 1) Nothing ~~stated~~ in this Part shall relieve the sponsor from compliance with building codes, ordinances, and regulations that are enforced by city or county jurisdictions.
 - 2) The recommendations of the International Building Code shall apply insofar as ~~the such~~ recommendations are not in conflict with ~~the standards set forth in~~ this Part or with the ~~National Fire Protection Association (NFPA) Standard No. 101. For construction of new buildings or additions, renovations, or alterations to existing buildings coming within the scope of this Part in municipalities with no building code of their own, the hospital may comply with the International Building Code, "Life Safety Code." The International Building Code is intended as a model code for municipalities with no building code of their own.~~
 - 3) The codes and standards referenced in this Part ~~may can~~ be ordered from the various agencies at the addresses listed in Section ~~250.105250.160~~ and are effective on the dates cited in that Section.

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(Source: Amended at 41 Ill. Reg. 14945, effective November 27, 2017)

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- 1) Heading of the Part: Sexual Assault Survivors Emergency Treatment Code
- 2) Code Citation: 77 Ill. Adm. Code 545
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
545.20	Amendment
545.100	New Section
- 4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]
- 5) Effective Date of Rules: November 27, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10292; July 28, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: 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.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements PA 99-454 with regard to the required written notice that advises survivors that they should not be directly billed for emergency services, that they will receive a voucher for follow-up care, and phone numbers for reporting violations of the Act. The rulemaking also updates the definition Section.

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- 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 Street, Fifth Floor
Springfield IL 62761

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 545
SEXUAL ASSAULT SURVIVORS
EMERGENCY TREATMENT CODE

Section

- 545.10 Applicability
545.20 Definitions
545.25 Incorporated and Referenced Materials
545.30 Application of Rules (Repealed)
545.35 Development and Approval of Plans
545.40 Program Administration (Repealed)
545.50 Areawide Sexual Assault Treatment Plans
545.60 Treatment of Sexual Assault Survivors
545.65 Transfer of Sexual Assault Survivors
545.67 Compliance Review
545.70 Requirements of Sexual Assault Transfer Plans (Repealed)
545.80 Approval of a Sexual Assault Treatment Plan (Repealed)
545.90 Approval of a Sexual Assault Transfer Plan (Repealed)
545.95 Emergency Contraception
545.100 [Written Notice to Sexual Assault Survivors](#)~~Hospital Charges and Reimbursement (Repealed)~~
- 545.APPENDIX A Sexual Assault Treatment Plan Form
545.APPENDIX B Sexual Assault Transfer Plan Form
545.APPENDIX C Emergency Contraception Protocols

AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at

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33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4, 2010; amended at 41 Ill. Reg. 14980, effective November 27, 2017.

Section 545.20 Definitions

Act – the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

Advanced practice nurse or APN – a person who has met the qualifications of a certified nurse midwife (CNM); certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation, as defined in the Nurse Practice Act. (Section 50-5 of the Nurse Practice Act)

Ambulance provider – an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients. (Section 1a of the Act)

Areawide sexual assault treatment plan or areawide plan – a plan, developed by the hospitals in the community or area to be served, which provides for hospital emergency services to sexual assault survivors that shall be made available by each of the participating hospitals. (Section 1a of the Act)

Caregiver – any person who is legally responsible for providing care to the patient or who renders support to the patient.

Department – the Department of Public Health. (Section 1a of the Act)

Drug-facilitated sexual assault – the use of a ~~chemical submissive agent~~controlled substance, commonly called a "date rape drug", in the commission of a sex offense, given without consent of the victim, that produces relaxant effects, including blackouts, coma, impaired judgment and/or loss of coordination.

Emergency contraception – medication as approved by the federal Food and Drug Administration (FDA) that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault. (Section 1a of the Act)

Follow-up healthcare – healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days after the initial visit for hospital emergency services. (Section 1a of the Act)

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Forensic services – the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit. (Section 1a of the Act)

Health care professional – a physician, a physician assistant, or an advanced practice nurse. (Section 1a of the Act)

Hospital – has the meaning given to that term in the Hospital Licensing Act. (Section 1a of the Act)

Hospital emergency services – health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department. (Section 1a of the Act)

Illinois State Police Sexual Assault Evidence Collection Kit – a prepackaged set of materials and forms to be used for the collection of evidence relating to sexual assault. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Collection Kit. (Section 1a of the Act)

Nurse – a person licensed under the Nurse Practice Act. (Section 1a of the Act)

Physician – a person licensed to practice medicine in all its branches as defined in the Medical Practice Act of 1987. (Section 1a of the Act) ~~Physician assistant – any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act of 1987. (Section 4 of the Physician Assistant Practice Act of 1987)~~

Physician assistant – any person not a physician who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in the Physician Assistant Practice Act of 1987. (Section 4 of the Physician Assistant Practice Act of 1987)

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Sexual assault – an act of nonconsensual sexual conduct or sexual penetration, as defined in Section ~~11-0.112-12~~ of the Criminal Code of ~~2012-1961~~, including, without limitation, acts prohibited under Sections ~~11-1.20 through 11-1.60 of the Criminal Code of 2012-12-13 through 12-16 of the Criminal Code of 1961~~. (Section 1a of the Act)

Sexual assault nurse examiner – a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses. (Section 6.4(c) of the Act)

Sexual assault survivor or survivor – a person who presents for hospital emergency services in relation to injuries or trauma resulting from a sexual assault. (Section 1a of the Act)

Sexual assault transfer plan – a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital in order to receive emergency treatment. (Section 1a of the Act)

Sexual assault treatment plan – a written plan developed by a hospital that describes the hospital's procedures and protocols for providing hospital emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from another hospital. (Section 1a of the Act)

Transfer hospital – a hospital that provides only transfer services to sexual assault survivors, pursuant to an Areawide Sexual Assault Treatment Plan.

Transfer services – the appropriate medical screening examination and necessary stabilizing treatment prior to the transfer of a sexual assault survivor to a hospital that provides hospital emergency services and forensic services to sexual assault survivors pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan. (Section 1a of the Act)

Treatment hospital – a hospital that provides hospital emergency treatment services and forensic evidence collection to sexual assault survivors, pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.

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Unauthorized personnel – all individuals whose presence in the examination room is not desired or required either by the hospital and/or by the survivor (e.g., representatives of the media).

Voucher – a document generated by a hospital at the time the sexual assault survivor receives hospital emergency and forensic services that a sexual assault survivor may present to providers to cover the cost of any follow-up healthcare. (Section 1a of the Act)

(Source: Amended at 41 Ill. Reg. 14980, effective November 27, 2017)

Section 545.100 Written Notice to Sexual Assault Survivors~~Hospital Charges and Reimbursement (Repealed)~~

- a) *Every hospital providing treatment services to sexual assault survivors in accordance with a plan approved under Section 2 of the Act and this Section shall provide a written notice to a sexual assault survivor. The written notice shall include, but is not limited to, the following:*
- 1) *A statement that the sexual assault survivor should not be directly billed by any ambulance provider providing transportation services, or by any hospital, health care professional, laboratory, or pharmacy for the services the sexual assault survivor received as an outpatient at the hospital;*
 - 2) *A statement that a sexual assault survivor who is admitted to a hospital may be billed for inpatient services provided by a hospital, health care professional, laboratory, or pharmacy;*
 - 3) *A statement that, prior to the sexual assault survivor leaving the emergency department of the treating facility, the hospital will give the sexual assault survivor a voucher for follow-up healthcare if the sexual assault survivor is eligible to receive a voucher;*
 - 4) *The definition of "follow-up healthcare" as set forth in Section 1a of the Act and Section 545.20 of this Part;*
 - 5) *A phone number the sexual assault survivor may call should the sexual*

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assault survivor receive a bill from the hospital for hospital emergency services and forensic services; and

6) The toll-free phone number of the Office of the Illinois Attorney General, Crime Victim Services Division, that the sexual assault survivor may call should the sexual assault survivor receive a bill from an ambulance provider, a health care professional, a laboratory, or a pharmacy.

b) This Section shall not apply to hospitals that provide transfer services as defined under Section 1a of the Act and Section 545.20 of this Part. (Section 7.5 of the Act)

(Source: Old Section repealed at 33 Ill. Reg. 14588 and new Section added at 41 Ill. Reg. 14980, effective November 27, 2017)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 21, 2017 through November 27, 2017. These rulemakings are scheduled for review at the Committee's December 12, 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>
1/4/18	<u>Department of State Police</u> , Standards of Service Applicable to 9-1-1 Emergency Systems (83 Ill. Adm. Code 1325)	7/7/17 41 Ill. Reg. 7921	12/12/17
1/10/17	<u>Office of the State Treasurer</u> , E-Pay Program (74 Ill. Adm. Code 735)	9/29/17 41 Ill. Reg. 11877	12/12/17

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 49 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

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